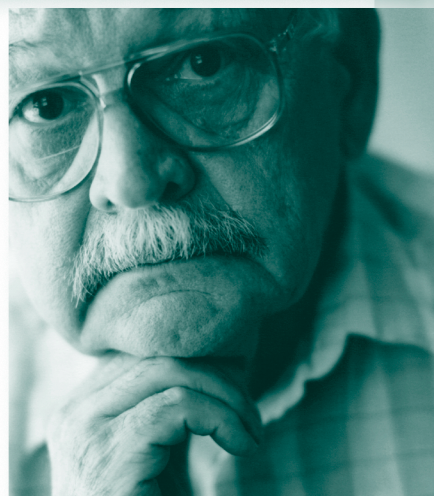


Appealing to a Review Tribunal for an Old Age Security Benefit



- Old Age Security Pension
- Guaranteed Income Supplement
- Allowance (Spouse or Common-Law Partner)
- Allowance for the Survivor



This booklet also is available on
audiocassette and in Braille.

Produced by:
Office of the Commissioner of Review Tribunals
Canada Pension Plan/Old Age Security

February 2003

Aussi disponible en français sous le titre :
« Appel auprès d'un tribunal de révision
pour une prestation de la Sécurité de la
vieillesse »

ISBN 0-662-32812-4
Cat. No. HP24-4/2002E

How to contact us

Whether you have already appealed to a Review Tribunal or you are considering an appeal, this booklet will help you understand the appeal process and prepare for your hearing.

If you have more questions after reading this booklet, contact us at the Office of the Commissioner of Review Tribunals Canada Pension Plan/Old Age Security (CPP/OAS):

By mail Office of the Commissioner of
Review Tribunals CPP/OAS
PO Box 8250, Station “T”
Ottawa, ON K1G 5S5

By telephone 1-800-363-0076
(7:30 a.m. to 5 p.m. Eastern
Time, toll free in Canada only)

By fax 1-613-941-3348

By e-mail info@ocrt-bctr.gc.ca

Do include your name, address and telephone number, so we can contact you.

Do not include your Social Insurance Number or personal information in your e-mail, because your message may be intercepted and read by a third party.

When you write to us by mail

With all correspondence, include your:

- Social Insurance Number, or
- OAS Account Number.

Our website at www.reviewtribunals.gc.ca has more information about the appeal process, including:

- Forms and applications, which can be printed and filled out by hand or filled out and then printed.
- A glossary explaining terms used in the appeal process.
- Old Age Security (OAS) decision summaries.
- Links to sites that can offer more information on legislation, and Canada’s public pensions and benefits.
- News bulletins and information updates.

Our site is constantly being updated. Visit it regularly for up-to-date information. If you don't have internet access at home it may be available at your public library or community centre.

The appeal process at a glance

The process ensures that all parties will have enough time to prepare for the hearing. An appeal usually takes eight months to complete.

You can expect your appeal to follow this schedule.

Months 1&2

- We get your letter of appeal. If we need you to explain something, or to give us more information, we will contact you by telephone or in writing.
- We send you this brochure and a letter saying we got your appeal.
- You start preparing for your hearing.
- We get a copy of the information used by Human Resources Development Canada (HRDC) to make its decision.

Months 3&4

We send you a package containing:

- A letter telling you the date, time and place of your hearing.
- A Hearing Case File containing all information regarding your appeal that has been received by our office.
- An expense-claim form.

Months 4&5

Our counsellor calls you to explain the process and answer your questions.

Months 5&6

You get a letter from us reminding you about the date and time of your hearing.

Months 6&7

You have your hearing.

Months 8&9

The Tribunal makes its decision and prepares a written explanation. All the parties get the Review Tribunal's decision and the reasons for that decision by mail.

Table of Contents

Checklist	2
Who we are	4
What is a Review Tribunal	5
Appealing a decision	6
You decide who will represent your case	7
Representing yourself	7
Asking someone to represent you	7
Advising us right away if you get a representative	8
We process your appeal	9
We get a copy of your file from HRDC	9
We notify anyone affected by your case	9
We prepare your Hearing Case File	9
We let you know when your hearing will take place.....	9
You prepare for your hearing	11
What you need for your appeal	11
You review your Hearing Case File	12
Send us all the information you have to support your case	12
Get new information to us right away	13
We contact you before your hearing	14
We call you to answer your questions and to make sure you are ready	14
We ask you about your travel and special needs.....	14
We remind you of your hearing date, time and place.....	14
We help with some costs	15
What happens at the hearing	16
Your hearing is private and confidential	16
Getting started.....	16
If someone does not show up.....	16
If a hearing is adjourned	16
Everyone gets a chance to speak	17
The Tribunal's decision	18
Frequently asked questions	19

Checklist

Have you appealed the decision of HRDC?

- Your letter of appeal must be in writing and sent to our office by mail or fax within 90 days of receiving the decision of HRDC. You can also complete the enclosed appeal form. Additional forms can be found on our website at www.reviewtribunals.gc.ca

Have you included the following information in your letter of appeal?

- Your name, address and telephone number including area code.
- Your Social Insurance Number or OAS Account Number.
- Your reasons for appealing the decision of HRDC and the date you received their decision.
- Are you past the 90-day period? If so, please write a detailed explanation of the reasons you are late in appealing.
- If you have decided to have someone represent you at the hearing, please send us your signed authorization indicating the name, address and telephone number of your representative.

Have you received our letter telling you when and where your hearing will take place?

- Will you be able to attend your hearing on the date, time and location we have scheduled for you? If you cannot, call our office right away at 1-800-363-0076.

Have you received your Hearing Case File?

- Have you read it carefully?
- Does it contain everything you need for your case?
- If information that will help you to prove your case is missing, have you obtained it and sent it to us?
- Have you highlighted or underlined any information that supports your case and that you want to tell the Tribunal about, and noted the page numbers for easier reference at the hearing?
- Have you prepared and organized your notes?

Are you prepared for your hearing?

- Have you reviewed your Hearing Case File and the HRDC Explanation of Decision Under Appeal?
- If you are waiting for more information that will help you prove your case, have you received all the information you have been waiting for? If so, have you sent it to our office? Have you kept a copy for yourself?
- If you are still waiting for more information, do you expect to receive it before the hearing? If you think you might not receive it in time for the hearing, please call our office right away.
- Do you know how you want to present your case at the hearing and any questions you may wish to ask the HRDC representative?

- Has a counsellor from our office called you to explain what happens at your hearing and what costs we cover? Do you understand the legislation that affects your case? If not, please call our office right away and a counsellor will be pleased to answer your questions.
- Do you require an interpreter for your hearing? If so, have you advised our office?
- Have you advised our office of any special needs you may have or any travel arrangements you may require?

Have you moved?

- If so, have you given our office your new address and telephone number, or the name and telephone number of a person we may contact if we need to get in touch with you?

Who we are

The Office of the Commissioner of Review Tribunals is separate from the Old Age Security Administration of Human Resources Development Canada (HRDC).

If you disagree with the results of the reconsideration decision made by HRDC you may appeal that decision to a Review Tribunal by sending your letter of appeal to the *Office of the Commissioner of Review Tribunals CPP/OAS*.

When you appeal, you are asking a three-person Tribunal to take a fresh look at your case in a hearing, where all the parties to the appeal have a right to be heard.

Who are the parties to an appeal?

- You, the person making the appeal.
- The Minister of Human Resources Development Canada, represented by a person from HRDC.
- A person who may be directly affected by your appeal, such as a spouse, former spouse, common-law partner or former common-law partner. This person is called an “added party”.

Our mission

“To ensure expert, independent, unbiased, quality service to all parties to an appeal to a Review Tribunal by treating all parties to the appeal equally, fairly and with understanding, respect and dignity.”

The responsibilities of the Office of the Commissioner of Review Tribunals

- We ensure the information received from all parties regarding your appeal is available to all parties and to the members of the Review Tribunal.
- The Commissioner selects a three-person Tribunal to hear and decide your appeal.
- We arrange a date, time and place in Canada for your hearing that is as close to your home as possible and is suitable to all parties.
- We call you to answer questions you may have before the hearing.
- We deliver the decision of the Review Tribunal to all the parties.

What is a Review Tribunal

A Review Tribunal is made up of three people chosen by the Commissioner from a group of appointed members from every region of Canada. The chairperson of the Review Tribunal is a lawyer and the other two people are community members.

The Tribunal will look at all the information HRDC used to make its decision in your case. It also will consider any new information you, HRDC, or an added party submits.

A Review Tribunal is an independent and impartial panel that will take an entirely new look at your case.

It does not act on behalf of HRDC or on your behalf. A Tribunal makes its decision free from influence by any person or organization.

A Review Tribunal can only apply the Old Age Security legislation and make a decision based on the facts of your particular case.

A Review Tribunal is not bound by the guidelines and policies of HRDC.



A Review Tribunal can:

- Allow an appeal; that is, reverse or change an HRDC decision.
- Allow an appeal in part; that is, reverse or change an HRDC decision, but not to the extent requested by an appellant.
- Deny the appeal; that is, confirm or maintain an HRDC decision.
- Determine that it has no authority to decide the issue brought before it.

A Review Tribunal cannot:

- Change or ignore the legislation passed by Parliament.
- Make a decision based on compassionate or equitable grounds.
- Hear appeals where the question at issue relates to the determination of income, which falls under the authority of the Tax Court of Canada. We refer these appeals to the Tax Court of Canada for a decision.

Appealing a decision

If you have not yet appealed but wish to, you can begin your appeal by writing a letter to us, or you can fill out the appeal form enclosed.

People permanently living outside of Canada must also complete the questionnaire "For Those Living Outside of Canada".

If you write us a letter, you need to explain clearly the reason you are appealing. You can use the appropriate appeal form as a guide for your letter.

Your letter of appeal or your appeal form must be sent to our office no later than 90 days after you receive your decision from HRDC.

If, for some reason, you cannot meet that deadline, write to us as soon as possible. Explain why you cannot meet the deadline and ask for more time. The Commissioner of Review Tribunals may accept your appeal after the deadline.

If you move

- Be sure to give us your new address and telephone number, or another number and address where you can be reached.

You decide who will represent your case

Representing yourself

The hearing will be as informal as possible and will take place in your choice of English or French. The Review Tribunal will give you every opportunity to present your case. You may decide to attend on your own and present your case to the Tribunal or you may want someone to present your case on your behalf.

If you represent yourself

- You can read from a written presentation.
- You can work with point-form notes.
- Concentrate only on what you need to prove to the Tribunal.

Only the parties to the appeal and their representative—if they have one—can be in the room during the entire hearing. If your spouse or someone else accompanies you for support, that person may also stay with you throughout the hearing. If you bring a witness to testify before the Tribunal, that person may be asked to stay outside the hearing room, except when he or she is called in to give oral information.

Asking someone to represent you

You may want someone to present your case on your behalf if:

- The thought of presenting your case makes you uncomfortable,
- Your case is complex
- Your circumstances prevent you from attending the hearing

A representative is someone that you appoint to act on your behalf to present your appeal before the Review Tribunal. A representative can be a family member, a friend, a member of your community or some organization, or a professional such as a lawyer or advocate. If you appoint a representative, we – The Office of the Commissioner of Review Tribunals – will communicate directly with that person. You and your representative will be given all the information that has been provided to us concerning your case. After the hearing, you and your representative also will receive a copy of the decision made by the Review Tribunal.

You should not ask someone to represent you if that person also could be a witness in your case. A witness may be asked to leave the hearing room when you give your testimony and your representative should be in the hearing room at all times during your hearing.

Before you hire a professional representative, you should be clear about whatever fees you may have to pay. The Office of the Commissioner of Review Tribunals cannot appoint a representative for you, nor can it pay for the cost of a representative to help with your appeal.

Advising us right away if you get a representative

If you decide to have a representative, make the arrangements as soon as possible. This way, your representative will have plenty of time to prepare for the hearing.

Let us know right away. Fill out the enclosed “Authorization to Disclose” form, sign it and mail or fax it to us.

If you change your representative, you must notify us by letter as soon as possible and give us the name, address and telephone number of your new representative. Remember to include your Social Insurance Number or your OAS account number.

The “Authorization to Disclose” form is also available on our website:
www.reviewtribunals.gc.ca

Appointing a Representative

√ We need your Authorization

We cannot share information or communicate with your representative without your written authorization.

All the personal information we have about you is kept confidential unless we are authorized by you or by law to share it with another party.

Your information is given to all parties to the appeal and to the three members of the Review Tribunal.

We process your appeal

Before we, at the Office of the Commissioner of Review Tribunals, receive your letter of appeal, we have no information about your case.

We get a copy of your file from HRDC

When we inform Human Resources Development Canada of your appeal, they are required to provide us with all of the information from your file that they used to make their decision. This may include letters you wrote, HRDC replies and decisions.

We notify anyone affected by your case

If your appeal affects another person's pension under the *Old Age Security Act*, that person must be made a party to the appeal. This person is called an added party. For example, one of the issues of your appeal could be the date you separated from your spouse or common-law partner. Then your former spouse or common-law partner would be made an added party.

When this happens, we send a letter telling the person that they have been made a party to the appeal. We advise them that they can reply to your letter of appeal and send us any information that may support their position in the appeal. The added party is also told that they and their representative, if they have one, have the right to come to the hearing and present their position.

We prepare your Hearing Case File

When we receive the information from HRDC, we prepare a Hearing Case File, which also includes any other information you or an added party has provided for your appeal. Prior to your hearing, we give the Hearing Case File to you and your representative, if you have one. This Hearing Case File also goes to HRDC, each member of the Review Tribunal and, if applicable, an added party—a person who it has been determined is affected by your case.

Upon receipt of the **HRDC Explanation of Decision Under Appeal**, we will forward it to you. The HRDC Explanation of Decision Under Appeal gives a full explanation of what they decided and why.

We let you know when your hearing will take place

With your Hearing Case File, you will get a letter telling you when and where your hearing will be. Whenever possible, hearings are held in a meeting room within your community and as close as possible to your home. Usually, the meeting room is in a hotel. However, if you have some distance to travel, we will make the necessary arrangements. We will tell you what travel expenses can be paid by us when we call you to see if you are ready to proceed with your hearing.

You should get the letter and your Hearing Case File three or four months before your hearing.

If something comes up and you can't be at your hearing for the date or time scheduled, call us right away. If you call within two weeks of getting our letter, we can reschedule your hearing for you. After this time, it will be more difficult to reschedule your hearing.

Postponing your hearing: If, for example, you feel that you will not have all the information you need in time for your hearing, you may want to call our office to discuss the possibility of postponing your hearing to another date.

You prepare for your hearing

What you need for your appeal

The hearing is your first and best chance to present the facts of your case in person and present your proof.

To be successful in your appeal, you need to prove you qualify based on the facts of your case and the Old Age Security legislation.

First, you must read the HRDC letter to understand its decision and reasons. You then will know the issues you must focus on to prove your case.

The issue in your appeal may involve:

- The particular facts of your case; for example, the period you resided in Canada
- The interpretation of a provision in the *Old Age Security Act*; for example, the meaning of “resident” as defined under the legislation

To support your position, get any information that may be missing from your file that shows you meet the legislative requirements. Our counsellors may be able to provide you with examples of the type of documents you may need.

The Review Tribunal must be satisfied that it is more likely than not that the requirements of the Old Age Security legislation have been met. At the hearing, it is up to you to make sure there is enough information to prove your case.

Examples of a dispute involving facts:

The issue in your appeal may involve a dispute over facts based on your residency:

- The date you moved to Canada
- The date you moved away from Canada
- Whether you left the country and moved back during the time you were living in Canada
- The date you began or stopped residing in a common-law relationship

Or, your appeal may involve a dispute over facts based on issues other than residency:

- How old you are
- The date HRDC received your application

Information includes:

- Documents
- Reports
- Letters
- Testimony from you or witnesses at the hearing

Please call our office or visit our website if you have questions.

You review your Hearing Case File

Your **Hearing Case File** and the **HRDC Explanation of Decision Under Appeal** are important tools for you to use when you prepare for your hearing.

The first thing you should do is carefully look over and read these documents.

Get to know them well. If you have any questions or problems with your file, call us right away.

You may feel the information in your Hearing Case File is incomplete. If you do, you should start working right away to get the information you need. You also can bring witnesses to the hearing to support your position.

For your presentation, you probably will use several documents from your file. To make things easier at the hearing, you should organize the material you want to use to support your position. When you find something in a document that you want to tell the Tribunal about, underline it or highlight it. Write the page number in your presentation notes. This way, you can find the material quickly and easily.

If you think there is some information in the Hearing Case File that should not be considered by the Tribunal, make a note of it and tell the Tribunal the reason at the beginning of your hearing.

How to use your Hearing Case File

- ✓ Read it carefully.
- ✓ Make sure nothing is missing.
- ✓ Read the HRDC Explanation of Decision Under Appeal very carefully, and write down, point by point, why you disagree with it.
- ✓ Choose the parts of documents you want to use in your presentation then underline or use a highlighter pen to mark them.
- ✓ Note the page numbers in your presentation notes, to make them easier to find.
- ✓ Organize your presentation. You can make notes or write down your whole presentation.

Send us all the information you have to support your case

Send us all the information you have to support your case as soon as you obtain it so that we can provide it to all the parties and the Tribunal before the hearing. If you have a valuable document that you would like returned, such as a passport, lease, court records, call our office for instructions about what to do.

The Review Tribunal must have all of your information by the day of the hearing, at the very latest.

Any new information you send us will be shared with HRDC prior to the hearing. Some information you send us could prove that you are eligible for a pension. HRDC could change its decision because of this information. If so, a hearing could be unnecessary.

Get new information to us right away

If you get new information in the two weeks before your hearing, mail or fax it to us right away. We can't guarantee this new information will get to the Tribunal in time for your hearing. Therefore, bring five copies of the new information to your hearing. The copies are for you, each Tribunal Member and the HRDC representative. We will pay any reasonable costs to photocopy these papers if you give us the original receipts.

If you have a lot of new information, contact us and ask for instructions.

We contact you before your hearing

If you have questions about your appeal, our counsellors are trained to assist you.

We call you to answer your questions and to make sure you are ready

A month or two before the hearing, a counsellor will call you. Because it is very important for you to be prepared for your hearing, our counsellor will make sure you are ready to proceed.

For instance, they will ask if you:

- Have decided whether you will have a representative
- Have reviewed the Hearing Case File
- Are aware of the issue and the particular facts of your appeal
- Require more information about the legislation that affects your case
- Are waiting for more information
- Have considered how you might like to present your information
- Have thought about questions you may wish to ask the HRDC representative at the hearing
- Understand what will happen at the hearing

When we call about your hearing, you can discuss:

- The legislation that affects your case
- What happens at your hearing
- What you need to do to present your case as well as possible
- Your travel expenses
- Arrangement for any special needs
- Translation into a language other than English or French

If you need an interpreter

Hearings are held in English or French. You may need someone at your hearing to interpret the proceedings into another language. As soon as you can, tell us you need an interpreter, and what language you speak, so we can arrange to have one at your hearing.

We ask you about your travel and special needs

During this call, our counsellor will ask you about any travel arrangements you may need to get to your hearing. We will tell you about the travel expenses that can be paid by us.

If you have any special needs, tell us as soon as possible and we'll make arrangements for you.

- If you have a hearing impairment, you can ask for a sign-language interpreter.
- If you are not completely comfortable in English or French, you can request an interpreter.
- If you will be unable to attend your hearing in person, we can arrange for you to attend through a telephone conference call.

We remind you of your hearing date, time and place

About a month before, we will send you another letter reminding you of the date, time and place of the hearing.

We help with some costs

Ask someone at our office about the costs we cover

If you live in Canada:

We will provide an interpreter, if you need one.

We may be able to set up a telephone conference call if you are unable to attend your hearing.

We will help you with your travel needs. If you have to travel some distance to the Review Tribunal, we will make your travel and accommodation reservations for you and will pay reasonable travel and accommodation costs.

We will pay for reasonable costs of photocopying documents that relate to your appeal.

A “**Travel Expense Claim**” form will be sent to you with your Hearing Case File. To get your money back, please complete this form after your appeal has been heard and send it to us in the return envelope **along with all original receipts**.

If you live outside of Canada:

We will provide an explanation of what expenses may be covered when we call you.

What we will not pay for:

- The cost of obtaining evidence
- The cost of hiring a representative
- The loss of income you could have received while you were at your hearing
- Travel and accommodation costs for your representative or anyone else helping with your case

What happens at the hearing

Your hearing is private and confidential

The only people allowed into the room for the entire hearing are:

- You
 - Your representative, if you have one
 - Anyone you bring with you for support, such as your spouse or a friend
- The members of the Review Tribunal
- The HRDC representative
- Any added party to the appeal and their representative, if they have one

Only these people will hear everything that is said at your hearing.

If you or an added party bring a witness to testify before the Tribunal, that person may only be allowed into the hearing room to give evidence. It is the chairperson who decides whether a witness will be allowed to sit through the entire hearing or is called in only to give information.

Getting started

The members of the Review Tribunal will introduce themselves and explain their role. The chairperson will explain how the hearing will proceed.

Usually, before the hearing starts, the chairperson will ask the parties to give the Tribunal any new information they may have brought to the hearing with them. All the parties will get a copy of this information. This is why you **must bring five copies of the new information**.

The Tribunal and the other parties will take time to read the new information. The Tribunal will also consider any other issue that needs to be dealt with before the hearing goes ahead.

If someone does not show up

If anyone who is supposed to be at the hearing—you, your representative, the HRDC representative or a witness—does not show up, the chairperson will make sure everything possible is done to get in touch with that person.

If you are going to be late for your hearing or you will not be able to get there, call our office right away and we will let the Tribunal know.

If the Tribunal finds it appropriate to do so, it can decide to go ahead with the hearing or it could adjourn.

If a hearing is adjourned

If any party to the appeal feels the hearing should not continue, they can ask the Review Tribunal to grant an adjournment. For example, the Tribunal can adjourn a hearing because of illness, when weather conditions become bad enough to prevent travel or if important information is unavailable.

The Tribunal, on its own, may decide to adjourn the hearing under certain circumstances. For example, if someone

brings in a lot of new information, the Tribunal may decide everyone needs time to study it before the hearing can proceed. So make sure you get any new information to us as quickly as possible.

After full consideration, the Tribunal will decide whether to grant an adjournment.

All parties should be prepared to go ahead with the hearing in the event that the Tribunal does not grant the adjournment. If the hearing is adjourned, the Tribunal will notify the Office of the Commissioner of Review Tribunals in writing. We will send all parties a letter telling them why the hearing was adjourned. Then, we will arrange a new hearing date.

Everyone gets a chance to speak

You and your representative, the HRDC representative and any added party and their representative will be able to explain their case or ask questions. The members of the Tribunal can ask questions of you, your witnesses, any added party and the HRDC representative. The members of the Tribunal may also ask why a relevant document was not submitted as information.

You or your representative will usually be first to present your case to the Review Tribunal. You will be able to explain your position and present your information to the Tribunal. **Concentrate on what you**

need to prove. For example, if you need to prove you have lived in Canada long enough to qualify for benefits, give the dates and then show the documents that prove them. If you have witnesses, they will be able to give information that supports your argument.

The HRDC representative may ask you or your representative questions. Witnesses may be asked questions, too. If there is an added party, they also will be able to ask questions.

When you are finished presenting your case, the HRDC representative will present the HRDC Explanation of Decision Under Appeal. They will explain why HRDC made its decision by making reference to the information in the Hearing Case File and the Old Age Security legislation. Of course, you will get a chance to question the HRDC representative.

Any added party, or their representative, also will be able to present their position to the Tribunal and ask questions. You will also be able to ask questions of the added party or the added party's representative.

The Tribunal's decision

After the hearing, all members of the Review Tribunal will meet privately to decide on your appeal. The Tribunal members' decision will be based only on the information they were given at your hearing. They **cannot** consider **any new information they get after the hearing**.

A Tribunal's decision does not have to be unanimous. If two members of the Tribunal decide in your favour, your appeal is allowed. The Tribunal gives us its decision and its reasons for the decision. Then, we send the decision with the reasons, in writing, to all parties. The decision will be sent about two months after the hearing.

If, after your hearing, you get new information that you think may support your case, contact our office to inquire about a reopening of the Review Tribunal's decision. Our office will explain to you what this involves.

Aside from reopening a case, a Tribunal's decision is final and binding. This means the Review Tribunal's decision can't be changed by any party to the appeal. The decision must be respected by all parties. The Commissioner is not part of the decision-making process and, therefore, cannot change a Review Tribunal decision. There is no further level of appeal. It is possible for a party to make an application for "judicial review" under Section 18.1 of the *Federal Court Act*. Judicial review refers to the ability of a court to intervene in the decision of a Tribunal. With your decision, you will receive information about the judicial review process. For more information on the grounds for review, refer to "Section 18.1" of the *Federal Court Act* online at www.fct-cf.gc.ca

Frequently asked questions

Q-1. I have been waiting for a long time. When will my appeal be heard?

A. We will do our best to make sure everything moves quickly for your appeal to the Review Tribunal. A hearing is usually held six or seven months after we receive an appeal request.

Q-2. When will I get the decision?

A. Usually, you will receive the decision two months after your hearing.

Q-3. What should I do to prepare for the hearing?

A. You should read the Hearing Case File and make sure it contains everything you need to prove your case. If you have a representative, go over the Hearing Case File with him or her. Be sure to get and send us any additional information you will need to prove your case before the hearing.

Q-4. The Hearing Case File you sent me is not complete. I've sent more than this to HRDC. What should I do?

A. We sent you all the information we received from HRDC. Call us at 1-800-363-0076 (toll free in Canada only) between 7:30 a.m. to 5 p.m. Eastern time, and tell us what is missing. We will contact HRDC to find out what happened.

Q-5. I have new information. What should I do?

A. Send it to us right away. You can fax us this information at 1-613-941-3348 or mail it to our office. If it is less than two weeks before the hearing, send it to us and also bring five copies to the hearing. If you have a lot of information to be copied, call us for further instructions.

Q-6. How do I find out about the legislation that affects my appeal?

A. If you have questions, call the Office of the Commissioner of Review Tribunals for assistance at the toll-free number, 1-800-363-0076. Or check our website: www.reviewtribunals.gc.ca

Q-7. What do I do if my appeal involves an issue on what is income?

A. Send your letter of appeal to us and we will refer the matter to the Tax Court of Canada. Issues related to the determination of income fall under the authority of the Tax Court of Canada.

Q-8. I found a representative, but my hearing is next week. What should I do?

A. Send us your Authorization to Disclose form immediately. Have your representative contact us right away at 1-800-363-0076.

Q-9. What should I do if I decide I don't want to continue with my appeal?

A. You should send us a letter telling us that you have decided not to continue with your appeal. You can also call us at 1-800-363-0076 between 7:30 a.m. to 5 p.m. Eastern time to speak to one of our counsellors and ask for a withdrawal form.

Q-10. What should I bring to the hearing?

A. You or your representative should bring the Hearing Case File and any other information we sent you. If you want the Tribunal members to look at new information you couldn't send us ahead of time, bring five copies with you.

Q-11. How long will the hearing last?

A. The hearing will last as long as the Tribunal decides it takes for all the parties to present their cases and have their say, but most hearings take about an hour.

Q-12. Can the Review Tribunal make a decision if I'm not at the hearing?

A. Yes. You do not have to be at the hearing for the Tribunal to make a decision. However, it is in your best interest to be there or to send a representative to look after your interests. The Tribunal members may need more information or they may have questions only you or your representative can answer. The hearing is your first and best opportunity to present the facts of your case.

Q-14. Will I get a transcript of my Review Tribunal hearing?

A. No. The hearing is not recorded, and there are no transcripts. However, you will receive your decision and the reasons for the decision in writing.

Q-13. When and how do I get paid for my expenses?

A. When we send you your Hearing Case File, we also send you an expense-claim form. After your hearing, complete the form and send it to our office. If you need help to complete the form, call our office and ask for assistance. You should receive payment, by mail, three or four weeks after we have received your claim.

