

Canada Gazette, Part I, Volume 148, Number 20: Status of the Artist Act Procedural Regulations

May 17, 2014

Statutory authority

Status of the Artist Act

Sponsoring agency

Canada Industrial Relations Board

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Regulations.)

Issues and objectives

The *Canadian Artists and Producers Professional Relations Tribunal Procedural Regulations* (SOR/2003-343) [CAPPRT Regulations] were made by the Canadian Artists and Producers Professional Relations Tribunal under the *Status of the Artist Act* (S.C. 1992, c. 33) [SAA] and came into force on October 20, 2003. On April 1, 2013, the Canadian Artists and Producers Professional Relations Tribunal was abolished and the administration and interpretation of Part II of the SAA were transferred to the Canada Industrial Relations Board (the Board). Because of the transfer of responsibility for the administration of Part II of the SAA, the Board undertook an in-depth review of the CAPPRT Regulations with a view to making new regulations under the SAA that better align with the current policies, procedures and practices of the Board, while continuing to take into account the unique circumstances of the cultural sector.

Additionally, the Standing Joint Committee for the Scrutiny of Regulations had identified certain provisions of the CAPPRT Regulations that could be clarified, amended or removed.

With these considerations in mind, the objective of the new *Status of the Artist Act Procedural Regulations* (the Regulations) is to provide for revised practices and procedures under the SAA that are clearer, more modern and more practical overall and are better aligned with the current practices and procedures of the Board.

Description

The proposed Regulations better meet the needs of both the stakeholders from the cultural sector and the Board. Procedures have been added to address issues that arise more frequently in modern professional relations disputes, while others have been streamlined to permit more efficient resolution of such disputes. The proposed Regulations further the Board's mandate to contribute to and promote a harmonious professional relations climate in the federally

regulated sector, which is beneficial to both the cultural community and the Board. The proposed Regulations have been drafted in keeping with the direction in the SAA that the Board is to proceed as informally and expeditiously as circumstances and considerations of fairness permit.

The proposed Regulations also reflect the changes and clarifications made in response to the issues previously identified by the Standing Joint Committee for the Scrutiny of Regulations.

The proposed Regulations address the conduct of proceedings before the Board and would not result in any substantive impact on revenues or resource allocation. There would be a minimal impact on producers under federal jurisdiction, artists' associations and artists who would appear before the Board in that they would need to become familiar with the new Regulations and make adjustments to their practices if, in their opinion, any adjustments are necessary.

Consultation

Using the results of its internal review, the Board created a consultation chart, which set out the proposed revisions to the CAPPRT Regulations and proposed inclusions that would form the basis for the new Regulations as well as the rationale for the recommended amendments. This consultation chart was posted publicly on the Board's Web site.

The Board sought comments from the cultural community on the proposed amendments and invited artists, artists' association, producers and other stakeholders to provide their views. Consultation sessions were held in Toronto, Ottawa, Montréal and Vancouver between June and September 2013. The Board also solicited feedback on the proposed amendments on its Web site.

The Board considered all feedback it received from these various consultations when deciding how to formulate the new Regulations. The response from the cultural community was generally positive and supportive of the amendment process.

Implementation, enforcement and service standards

The proposed Regulations would repeal the CAPPRT Regulations and would come into force on the day on which they are registered.

The proposed Regulations do not affect the enforcement or service standards of the CAPPRT Regulations.

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PROPOSED REGULATORY TEXT

Notice is given that the Canada Industrial Relations Board, pursuant to section 16 ([see footnote a](#)) of the *Status of the Artist Act* ([see footnote b](#)), proposes to make the annexed *Status of the Artist Act Procedural Regulations*.

Interested persons may make representations with respect to the proposed Regulations within 30 days after the date of publication of this notice. All such representations must cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be addressed to Susan Nicholas, Senior Counsel, Canada Industrial Relations Board, 240 Sparks Street, 4th Floor West, Ottawa, Ontario K1A 0X8 (tel.: 613-947-5456 or 800-575-9696; fax: 613-947-5460; email: Susan.Nicholas@cirb-ccri.gc.ca) or to Diane Chartrand, Senior Director, Strategic Policy and Planning, Canada Industrial Relations Board, 240 Sparks Street, 4th Floor West, Ottawa, Ontario K1A 0X8 (tel.: 613-947-4263 or 800-575-9696; fax: 613-947-5460; email: Diane.Chartrand@cirb-ccri.gc.ca).

Ottawa, May 1, 2014

ELIZABETH MACPHERSON
Chairperson

STATUS OF THE ARTIST ACT PROCEDURAL REGULATIONS

INTERPRETATION

1. The following definitions apply in these Regulations.

“Act” means the *Status of the Artist Act*. (*Loi*)

“applicant” means an artist, an artists' association or a producer that has filed an application. (*demandeur*)

“application” means any application or complaint made to the Board under the Act. (*demande*)

“application for reconsideration” means an application for review of a Board determination or order, other than an application for review of a Board determination of a sector referred to in subsection 35(1) or an application for review of a certification order referred to in section 36. (*demande de révision*)

“participant” means any applicant, respondent or intervenor. (*participant*)

“Returning Officer” means an individual who is appointed by the Board to conduct a representation vote. (*directeur du scrutin*)

GENERAL PROVISIONS

APPLICATION

2. These Regulations apply in respect of all proceedings before the Board under the Act.

COMPUTATION OF TIME

3. (1) Unless otherwise stated by the Board, time limits must be calculated in calendar days.

(2) Whenever a time limit or deadline calculated under these Regulations falls on a Saturday or a holiday, as defined in subsection 35(1) of the *Interpretation Act*, the time limit is extended to the next working day.

ORDER OR DETERMINATION

4. Any member of the Board may sign an order or a determination of the Board.

APPLICATIONS

5. An application must be filed with the Board in writing and include the following:

- (a) the name, postal and email addresses and telephone and fax numbers of the applicant and of their authorized representative, if any;
- (b) the name, postal and email addresses and telephone and fax numbers of the respondent, if any;
- (c) the grounds for the application and full particulars of the relevant facts;
- (d) the determination or order sought;
- (e) an indication of whether an oral hearing is being requested and, if so, the reason for the request;
- (f) a copy of any supporting document;
- (g) the signature of the applicant or of their authorized representative; and
- (h) the date of the application.

NOTICE OF APPLICATION

6. On receipt of an application, other than an application referred to in section 24, 29 or 35, the Board must, to the extent possible, give notice of the application in writing to a person whose rights may be directly affected by the application.

RESPONSES

7. (1) A response to an application must be filed with the Board in writing within 15 days after the day on which notice of the application is received and include the following:

- (a) the name, postal and email addresses and telephone and fax numbers of the respondent and of their authorized representative, if any;
- (b) the Board's file number of the application to which the response relates;
- (c) a full response to any allegations or issues raised in the application and full particulars of any additional relevant facts;
- (d) the respondent's position with respect to the determination or order sought by the applicant;
- (e) the determination or order sought by the respondent;
- (f) an indication of whether an oral hearing is being requested and, if so, the reason for the request;

- (g) a copy of any supporting document;
- (h) the signature of the respondent or of their authorized representative; and
- (i) the date of the response.

(2) A request for an extension of time to respond must be made to the Board in writing and set out the grounds for the requested extension.

REPLIES

8. (1) A reply to a response must be filed with the Board in writing within 10 days after the day on which the response is filed and include the following:

- (a) the Board's file number of the proceeding to which the reply relates;
- (b) a full reply to any allegations or issues raised in the response and full particulars of any additional relevant facts;
- (c) the applicant's position with respect to the determination or order sought by the respondent;
- (d) an indication of whether an oral hearing is being requested and, if so, the reason for the request;
- (e) a copy of any supporting document;
- (f) the signature of the applicant or of their authorized representative; and
- (g) the date of the reply.

(2) A request for an extension of time to reply must be made to the Board in writing and set out the grounds for the requested extension.

REQUESTS FOR LEAVE TO INTERVENE

9. (1) A request for leave to intervene under subsection 19(3) of the Act must be filed with the Board in writing within 15 days after the day on which notice of the application is received or within the time period set out in any public notice referred to in subsections 24(1) and 35(2) and include the following:

- (a) the name, postal and email addresses and telephone and fax numbers of the person requesting leave to intervene and of their authorized representative, if any;
- (b) the Board's file number of the application that is the subject of the request for leave to intervene;
- (c) the grounds for intervention and a description of the person's interest in the matter, including an explanation of any prejudice that the person would suffer if the request was denied and an explanation of whether their interest is different from that of any other participant;
- (d) an indication of how the intervention will assist the Board in furthering the objectives of the Act;
- (e) a copy of any supporting document;
- (f) the signature of the person requesting leave to intervene or of their authorized representative; and
- (g) the date of the request.

(2) A response to the request for leave to intervene must be filed within 10 days after the day on which notice of the request is received.

(3) A reply to the response to the request for leave to intervene must be filed within five days after the day on which the response is filed.

(4) A request for an extension of time for filing any document under this section must be made to the Board in writing and set out the grounds for the requested extension.

INTERVENTIONS

10. (1) If the request for leave to intervene is granted, the intervenor must file a written submission with the Board on the merits of the case within 10 days after the day on which notice is received that the request has been granted and it must include the following:

- (a) the Board's file number of the application to which the submission relates;
- (b) full particulars of the facts, relevant dates and grounds for the submission;
- (c) the intervenor's position with respect to any determination or order sought;
- (d) the determination or order sought by the intervenor; and
- (e) a copy of any supporting document.

(2) A response to the intervenor's submission on the merits of the case must be filed within 10 days after the day on which the submission is filed.

(3) A request for an extension of time for filing any document under this section must be made to the Board in writing and set out the grounds for the requested extension.

FILING AND SERVICE OF DOCUMENTS

11. Subject to section 16, a person who files a document with the Board, other than an application, must serve without delay a copy of that document on all participants and any other person named in any notice that the person has received and must inform the Board of the time and manner of service.

MANNER OF FILING AND SERVICE OF DOCUMENTS

12. (1) A document that is required by these Regulations to be filed with the Board or served on any person, or the person's authorized representative, must be filed or served

- (a) by hand, to the recipient;
- (b) by mail to the address for service, as described in subsection (2);
- (c) by transmission through electronic means that provides proof of receipt of the document; or
- (d) by any other manner that the Board authorizes.

(2) In paragraph (1)(b), the address for service is

- (a) in the case of the Board, the address of one of the Board's offices; and
- (b) in the case of any other person, the address of the person that appears in any notice issued by the Board in the proceeding in respect of which service is being made or, if no address appears in the notice, the last known address of the person.

(3) A document that is transmitted by electronic means in accordance with paragraph (1)(c) must include the following information:

- (a) the name, postal and email addresses and telephone and fax numbers of the person transmitting the document;

- (b) the name, postal and email addresses and telephone and fax numbers of the person to whom the document is being transmitted;
- (c) the date and time of transmission; and
- (d) the total number of pages being transmitted.

FILING OF DOCUMENTS – ORAL HEARING

13. (1) A participant that intends to present evidence at an oral hearing must file with the Board six copies, or the number of copies that the Board may specify, of the following:

- (a) all documents that the participant intends to present as evidence, including any document filed with the application, response or reply, as the case may be, in one or more tabbed books; and
- (b) a list of witnesses expected to be called that includes their names and occupations, along with a summary of the information that is expected to be provided on issues raised in the application, response or reply.

(2) The documents referred to in subsection (1) must be filed

- (a) no later than 10 days before the day on which the hearing is scheduled, in the case of the applicant; or
- (b) no later than eight days before that day, in the case of the respondent and the intervenor.

(3) The documents referred to in subsection (1) must be served on all other participants within the applicable time period as set out in subsection (2).

(4) If a participant does not comply with subsection (1), (2) or (3), the Board may refuse to consider any document or hear any witness that is presented by the participant at the hearing.

(5) The Board may require that the participant submit to it, in advance of the hearing, the authorities and arguments on which the participant intends to rely.

DATE OF FILING

14. The date of filing of any document with the Board is

- (a) in the case of a document sent by registered mail, the date on which it is mailed; and
- (b) in any other case, the date on which the document is received by the Board.

PRODUCTION OF DOCUMENTS

15. (1) A participant may, at any time before a hearing, request that another participant produce any document relevant to the proceeding.

(2) If that other participant fails to produce the document within 10 days after the day on which the request is received, the participant that made the request may apply to the Board for an order requiring its production.

(3) If that other participant fails to comply with a request made under subsection (1) or an order referred to in subsection (2), the Board may order the participant to pay the costs of any adjournment of the proceedings that results from the failure.

CONFIDENTIALITY OF DOCUMENTS

16. (1) Subject to subsection (2), the Board must place a document on the public record if the document is relevant to the proceeding.

(2) The Board, on its own initiative or at the request of a participant, may declare that a document is confidential.

(3) In determining whether a document is confidential, the Board must consider whether disclosure of the document would cause specific direct harm to a person and whether the specific direct harm would outweigh the public interest in its disclosure.

(4) If the Board declares that a document is confidential, the Board may

- (a) order that the document or any part of it not be placed on the public record;
- (b) order that a version or any part of the document from which the confidential information has been removed be placed on the public record;
- (c) order that any portion of a hearing, including any argument, examination or cross-examination, that deals with the confidential document be conducted in private;
- (d) order that the document or any part of it be provided to the participants, or only to their legal counsel or authorized representative, and that the document not be placed on the public record; or
- (e) make any other order that it considers appropriate.

CONFIDENTIALITY OF ARTISTS' WISHES

17. Despite any other provision of these Regulations, the Board must not disclose evidence that could reveal membership in an artists' association, opposition to the certification of an artists' association or the wish of any artist to be represented, or not, by an artists' association, unless the disclosure would further the objectives of the Act.

EVIDENCE OF ARTISTS' WISHES

18. An artist's membership in an artists' association is evidence that the artist wishes to be represented by that artists' association for the purposes of the Act.

CONSOLIDATION AND SEVERANCE

19. The Board may order, in respect of two or more proceedings, that they be consolidated, heard together, heard consecutively or severed.

NOTICE OF ORAL HEARING

20. (1) If the Board determines that an oral hearing is necessary, it may give notice of the hearing by any available means.

(2) The Board must give not less than 15 days' notice of an oral hearing to the participants, unless the participants consent to a shorter notice.

(3) If a participant fails to appear after having been given notice, the Board may proceed and dispose of the matter in that participant's absence.

SUMMONS

21. (1) A request for a summons must be made to the Board in writing and include the following:

- (a) the Board's file number of the proceeding to which the summons relates;

- (b) the name and address of the person to be summoned;
- (c) the date on which the person is required to appear;
- (d) the reason for the summons; and
- (e) a detailed description of any document or item that the person being summoned must bring with them to the oral hearing, and an indication of how the document or item is relevant to the proceeding.

(2) The participant that requests a summons must serve the summons by hand on the person to be summoned at least five days before the person is required to appear, unless the Board directs otherwise.

(3) The participant that requests a summons is responsible for paying the witness's expenses and fees, in accordance with section 64 of the Act.

(4) A person who is summoned to an oral hearing must attend at the time and date specified, as well as each day of the hearing, unless the Board directs otherwise.

(5) If an oral hearing is adjourned and the date on which it is to resume is not indicated at the time of the adjournment, the participant that requested the summons must notify the person summoned of the date on which the oral hearing is to resume

- (a) at least five days before the day on which the person summoned is to appear; or
- (b) if the Board has given less than five days' notice of the date on which the oral hearing is to resume, within a time period that is fair and reasonable in the circumstances.

NOTICE OF CONSTITUTIONAL QUESTION

22. (1) If a participant intends to question the constitutional validity, applicability or operability of a statute or regulation, the participant must, as soon as the circumstances giving rise to the question become known and no later than 10 days before the day on which the question is to be argued

- (a) serve a notice of a constitutional question on the other participants, the Attorney General of Canada and the attorney general of each province; and
- (b) file a copy of the notice with the Board.

(2) The notice of a constitutional question must be in the form required by the *Federal Courts Rules*.

CERTIFICATION PROCEEDINGS

APPLICATION FOR CERTIFICATION

23. (1) An application for certification must include the following:

- (a) the name, postal and email addresses and telephone and fax numbers of the applicant and of their authorized representative, if any;
- (b) a general description of the sector for which certification is sought;
- (c) an estimate of the number of professional freelance artists working in the proposed sector;
- (d) an estimate of the number of members of the applicant who work in the proposed sector;
- (e) a current copy of the applicant's membership list that is certified by the applicant's authorized representative and that indicates

- (i) each member's name and current postal address, and
- (ii) if the applicant also represents individuals who do not work within the proposed sector, a list of the members who work within the proposed sector;
- (f) a copy of any scale agreement in force affecting the proposed sector;
- (g) a copy of the applicant's constitution and its by-laws both of which are certified by their authorized representative;
- (h) evidence that the membership authorizes the applicant to apply for certification;
- (i) an indication of whether an oral hearing is being requested and, if so, the reason for the request;
- (j) the signature of the applicant or of their authorized representative; and
- (k) the date of the application.

(2) The information referred to in paragraphs (1)(d) and (e) must be filed with the Board as separate documents marked "Confidential/Confidentiel".

PUBLIC NOTICE

24. (1) The Board must publish a notice of the application for certification in the *Canada Gazette*, Part I, or provide the notice through any other means that the Board considers appropriate.

(2) The notice must indicate the name of the applicant, a description of the proposed sector, and the time period for filing competing applications and expressions of interest from artists, artists' associations, producers and other interested persons in respect of the proposed sector.

(3) The time period referred to in subsection (2) must be at least 30 days after the day on which the notice is published or provided.

NOTICE OF INTERVENTION AS OF RIGHT

25. (1) An artist, artists' association or producer that intervenes in an application for certification under subsection 26(2) or 27(2) of the Act must file a notice of intervention with the Board.

(2) A notice of intervention must be filed in writing within the time period specified in the notice published or provided under subsection 24(1) and include the following:

- (a) the name, postal and email addresses and telephone and fax numbers of the intervenor and of their authorized representative, if any;
- (b) the Board's file number indicated in the notice referred to in subsection 24(1);
- (c) a written submission of the intervenor that includes a description of their interest in the matter and their position with respect to the determination sought;
- (d) the signature of the intervenor or of their authorized representative; and
- (e) the date of filing of the notice of intervention.

(3) A response to the intervenor's submission must be filed within 10 days after the day on which the submission is filed.

(4) A request for an extension of time for filing any document under this section must be made to the Board in writing and set out the grounds for the requested extension.

SUBSEQUENT APPLICATION FOR CERTIFICATION

26. If the Board rejects an application to certify an artists's association, that association may not submit a new application for certification in respect of the same or substantially the same sector until six months after the day on which the previous application was rejected.

REPRESENTATION VOTES

27. (1) If the Board orders that a representation vote be taken, the Board must appoint a Returning Officer.

(2) The Returning Officer may give directions to ensure the proper conduct of the vote and must report the results of the vote to the Board.

(3) The Returning Officer may appoint one or more employees of the Board, as required, to assist in the conduct of the vote.

REVOCATION OF CERTIFICATION

APPLICATION FOR REVOCATION OF CERTIFICATION

28. An application for the revocation of an artists' association's certification must include the following:

- (a) the name, postal and email addresses and telephone and fax numbers of the applicant and of their authorized representative, if any;
- (b) the name of the artists' association that holds the certification that the applicant seeks to revoke;
- (c) a description of the sector within which the applicant works and in respect of which the artists' association has been certified;
- (d) the grounds for the application and full particulars of the relevant facts;
- (e) the determination or order sought;
- (f) an indication of whether an oral hearing is being requested and, if so, the reason for the request;
- (g) a copy of any supporting document;
- (h) the signature of the applicant or of their authorized representative; and
- (i) the date of the application.

NOTICE OF APPLICATION FOR REVOCATION OF CERTIFICATION

29. The Board must provide the affected artists' association with a copy of the application for revocation of certification.

SUBSEQUENT APPLICATION FOR REVOCATION OF CERTIFICATION

30. If the Board rejects an application for the revocation of an artists' association's certification, a new application for revocation in respect of the same sector may not be submitted until six months after the day on which the previous application was rejected.

JOINT APPLICATION TO CHANGE TERMINATION DATE OF SCALE AGREEMENT

31. A joint application to change the termination date of a scale agreement must include the following:

- (a) the name, postal and email addresses and telephone and fax numbers of each joint applicant and of their

authorized representative, if any;

(b) a copy of all scale agreements between the parties, whether in force or expired, and any other document that the Board requires;

(c) the signature of each joint applicant or of their authorized representative; and

(d) the date of the application.

COMPLAINTS

32. A complaint made under section 53 of the Act must include the following:

(a) the name, postal and email addresses and telephone and fax numbers of the complainant and of their authorized representative, if any;

(b) the name, postal and email addresses and telephone and fax numbers of the person or organization that is the object of the complaint, or of any person who may be affected by the complaint;

(c) the provision of the Act on which the complaint is based;

(d) the date on which the complainant first knew of the actions or circumstances giving rise to the complaint;

(e) full particulars of any measures taken by the complainant to resolve the situation that gave rise to the complaint;

(f) the grounds for the complaint and full particulars of the relevant facts;

(g) the date and description of any order or decision of the Board relating to the complaint;

(h) a description of the remedy sought by the complainant;

(i) an indication of whether an oral hearing is being requested and, if so, the reason for the request;

(j) a copy of any supporting document;

(k) the signature of the complainant or of their authorized representative; and

(l) the date of the complaint.

DECLARATION RESPECTING PRESSURE TACTIC

33. (1) An application for a declaration of an unlawful pressure tactic under subsection 47(1) or section 48 of the Act must include the following:

(a) the name, postal and email addresses and telephone and fax numbers of the applicant and of their authorized representative, if any;

(b) the name, postal and email addresses and telephone and fax numbers of any artist, artists' association or producer that, in the opinion of the applicant, could have an interest in the application;

(c) a reference to the provision of the Act under which the application is being made;

(d) the question that the applicant wishes to have the Board determine or the nature of the declaration that the applicant is seeking;

(e) the grounds for the application and full particulars of the relevant facts;

(f) the date and description of any order or decision of the Board relating to the application;

(g) the effective date and expiry date of any scale agreement in force or expired that applies to the artists in the existing sector;

- (h) an indication of whether an oral hearing is being requested and, if so, the reason for the request;
- (i) a copy of any supporting document;
- (j) the signature of the applicant or of their authorized representative; and
- (k) the date of the application.

REFERRAL OF QUESTION BY ARBITRATOR OR ARBITRATION BOARD

34. (1) If an arbitrator or arbitration board refers a question to the Board under section 41 of the Act, the Board must give notice to the parties to the arbitration.

(2) Each party to the arbitration must file written submissions within 15 days after the day on which the notice of the referral of a question is received and must include the following:

- (a) the name, postal and email addresses and telephone and fax numbers of the party and of their authorized representative, if any;
- (b) the position of the party respecting the question referred to the Board, the grounds for the party's position and full particulars of the relevant facts;
- (c) the determination or order sought;
- (d) a copy of any supporting document;
- (e) the signature of the party or of their authorized representative; and
- (f) the date of filing of the submissions.

(3) Each party must serve a copy of its submissions and documents on the other party.

(4) Each party has the opportunity to respond to the other party's submissions within 10 days after the day on which those submissions are filed.

APPLICATION FOR REVIEW OF A BOARD DETERMINATION OR ORDER

DETERMINATION OF SECTOR

35. (1) An application for review of a Board determination of a sector for the purpose of enlarging, modifying or clarifying the scope of the sector may be filed at any time by a certified artists' association or producer affected by the determination.

(2) The Board must publish a notice of the application for review in the *Canada Gazette*, Part I, or provide the notice through any other means that the Board considers appropriate if the review might result in an enlargement of the sector.

CERTIFICATION ORDER

36. An application for review of a certification order may be filed by a certified artists' association at any time in order to update that order for any purpose, including making a change to the name of that association.

RECONSIDERATION

37. (1) An application for reconsideration must be filed within 30 days after the day of the determination or order.

(2) The application must be served on all persons who were participants to the determination or order that is the subject of the application.

CONTENT OF APPLICATION

38. An application for a review referred to in sections 35 to 37 must include the following:

- (a) the name, postal and email addresses and telephone and fax numbers of the applicant and of their authorized representative, if any;
- (b) the name, postal and email addresses and telephone and fax numbers of any artists' association or producer affected by the determination or order;
- (c) the Board's file number and the date of the determination or order;
- (d) the grounds for the application and full particulars of the relevant facts;
- (e) the determination or order sought;
- (f) an indication of whether an oral hearing is being requested and, if so, the reason for the request;
- (g) a copy of any supporting document;
- (h) the signature of the applicant or of their authorized representative; and
- (i) the date of the application.

FILING DETERMINATION OR ORDER IN FEDERAL COURT

39. (1) An application to file a copy of a determination or order in the Federal Court under section 22 of the Act must include the following:

- (a) the name, postal and email addresses and telephone and fax numbers of the applicant and of their authorized representative, if any;
- (b) the name, postal and email addresses and telephone and fax numbers of any person named in, or directly affected by, the determination or order;
- (c) a copy of the determination or order to be filed;
- (d) the grounds for the applicant's belief that the determination or order should be filed, including why the applicant believes that
 - (i) any person named in the determination or order has failed or is likely to fail to comply with it, and
 - (ii) filing the determination or order would serve a useful purpose;
- (e) an indication of whether an oral hearing is being requested and, if so, the reason for the request;
- (f) a copy of any supporting document;
- (g) the signature of the applicant or of their authorized representative; and
- (h) the date of the application.

(2) If the application states that a person named in the determination or order has failed or is likely to fail to comply with it, the applicant must serve a copy of the application on the person.

GENERAL POWERS

OTHER PROCEDURAL MATTERS

40. If a procedural matter that is not provided for by these Regulations arises, the Board may take any action that is consistent with these Regulations and the Act and that it considers necessary to resolve the matter.

NON-COMPLIANCE

41. (1) If a participant, after being given an opportunity to comply by the Board, fails to comply with a rule of procedure under these Regulations, the Board may

- (a) summarily dismiss or refuse to hear the application, if the non-complying participant is the applicant; or
- (b) decide the application without further notice, if the noncomplying participant is the respondent or intervenor.

(2) If a participant does not attend a pre-hearing proceeding or a hearing after having been given notice, the Board may decide the matter in the participant's absence.

DISPENSING WITH COMPLIANCE

42. The Board may, of its own motion or on application, excuse a participant from complying with any provision of these Regulations in order to ensure that a proceeding is dealt with informally and expeditiously.

TRANSITIONAL PROVISIONS

43. (1) These Regulations apply in respect of all proceedings before the Board that are pending on the day on which these Regulations come into force.

(2) Any proceeding commenced or document filed in accordance with the *Canadian Artists and Producers Professional Relations Tribunal Procedural Regulations* before the day on which these Regulations come into force is not invalid merely because the proceeding or document does not conform to these Regulations.

REPEAL

44. The *Canadian Artists and Producers Professional Relations Tribunal Procedural Regulations* ([see footnote 1](#)) are repealed.

COMING INTO FORCE

45. These Regulations come into force on the day on which they are registered.

[20-1-o]

Footnotes

Footnote a

S.C. 2012, c. 19, s. 535

Footnote b

S.C. 1992, c. 33

Footnote 1

SOR/2003-343
