



ONTARIO
SECURITIES
COMMISSION

Guide to Virtual Hearings Before the OSC Tribunal



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Introduction

Virtual hearings at the Ontario Securities Commission Tribunal may be conducted via teleconference or videoconference. A Panel will determine which form of hearing is appropriate. Virtual hearings require civility, professionalism, cooperation, communication and collaboration between parties, both before and during the hearing. Parties are expected to communicate and work cooperatively with each other and the Panel to ensure that the hearing is conducted in a just, expeditious and cost-effective manner.

Public access

Media and members of the public may observe both teleconference and videoconference hearings.

A member of the media or public who wishes to observe a videoconference hearing may select the “Register to attend” link on the Upcoming Proceedings webpage, next to the hearing date and time indicated. A member of the media or public who wishes to listen to a teleconference hearing may email their request to the Registrar at registrar@osc.gov.on.ca at least two business days in advance of the hearing, indicating their name, email address and the hearing they wish to listen to. The Registrar will provide the requestor with dial-in information on how to listen to the proceeding. Requests received less than two business days in advance of the teleconference hearing may not be able to be accommodated. Members of the public will be muted by the Registrar in all virtual hearings. They will be able to listen (teleconference and videoconference) and view the Panel and the Party making submissions (videoconference only).

Technical requirements for videoconference hearings

Videoconferences may be accessed using the following camera-enabled devices: PC desktop or laptop computer, Mac desktop or laptop computer, or an Android, Apple or Windows mobile device. Your device must meet the system requirements outlined in Appendix A, “Technical requirements for videoconference hearings”.

Parties to a proceeding and their witnesses will be contacted by the [Registrar](#) in advance of their hearing to schedule a trial run, at which the parties and witnesses can test their devices and internet connection.

Visual or audio recording

Rule 22(5) of the *Rules of Procedure and Forms* prohibits visual or audio recording of a hearing unless a Panel grants permission. This prohibition includes photos or screen captures of a videoconference.

Attending a virtual hearing

- In advance of the virtual hearing, each Party must provide the Registrar with the names of all those who will attend the virtual hearing on their behalf (e.g., the Parties themselves, counsel and other litigation support staff, and witnesses.) Each person will be provided a unique link or login to join the virtual hearing.
- A court reporter is present at all public hearings and a transcript will be made of the hearing.

As a Party or counsel

- Do not share your link or login information for the teleconference or videoconference. Your link or login is unique to you.
- The Registrar will confirm that all Parties and counsel are present before the Panel signs into the virtual hearing.
- The Chair of the Panel may conduct a roll call when they arrive to confirm that all Parties and other required participants are present or available.
- If you are disconnected, you should first email the Registrar immediately at registrar@osc.gov.on.ca or, if you do not have access to email, call the telephone number on the GoToWebinar invitation, and attempt to rejoin the hearing. When you rejoin, you should announce your return. If you encounter issues and are unable to rejoin the hearing, update the Registrar by email. If you do not have access to email, call the telephone number on the GoToWebinar invitation.
- Any connectivity issues on the part of any Party, counsel or the Panel will be addressed as they arise. Where appropriate, the hearing will be put on hold while connectivity issues are resolved.
- Speak clearly, not too quickly and at your normal volume.
- Mute your device at all times unless you are speaking.
- In a teleconference, identify yourself before speaking, unless it is obvious that it is you speaking (e.g., because you are answering a question that was asked of you).
- Try not to interrupt or speak over others.
- For videoconferences only:
 - Wear business attire.
 - Turn your camera on before speaking.
 - Follow any instructions from the Panel regarding the use of your camera.

As a witness

- Do not share your link or login information for the teleconference or videoconference. Your link or login is unique to you.
- If you have any technical issues during the trial run in advance of the hearing, or during the hearing itself, you should first email the [Registrar](mailto:registrar@osc.gov.on.ca) at registrar@osc.gov.on.ca immediately (not your lawyer or anyone else), then try to rejoin the hearing. If you do not have access to email, call the telephone number on the GoToWebinar invitation.
- Witnesses are often excluded from a hearing before they testify. You will be asked to make yourself available at a scheduled time and date, but you may have to wait after that scheduled time until you may actually join the hearing. You will be advised when you should join.
- Should the Panel need to exclude you at any point during the hearing, the Chair of the Panel will explain the process to you and provide instructions for returning to the hearing.
- Before you give your evidence, the Chair of the Panel will remind you that you must do so without using any outside information, without direction from the Panel, and without having contact (including electronic communication) with any other individuals. You will be asked to acknowledge that you understand this obligation.
- The Registrar will then ask whether you prefer to affirm (*i.e.*, solemnly promise) or swear (*i.e.*, give an oath with religious meaning) that you will tell the truth. If you prefer to swear an oath, you must provide your own holy book or other sacred object.
- The Registrar will remind you that it is important to be truthful, and that the law requires that you tell the truth. This requirement to tell the truth is not altered by the fact that the hearing is taking place virtually.
- The Chair of the Panel may instruct you not to communicate with any person about the proceeding until you have finished giving all your evidence. Once you have finished, you may be instructed not to communicate with anyone else who may be a witness in the same proceeding but who has not yet testified.
- When giving your evidence, wait until each question is finished before answering. Speak clearly, not too quickly and at your normal volume.
- Try not to interrupt or speak over others.
- If at any time you are unable to hear or see clearly the information that is being delivered via the videoconference, you must immediately inform the Panel.
- If you are disconnected, you should first email the Registrar immediately at registrar@osc.gov.on.ca or, if you do not have access to email, call the telephone number on the GoToWebinar invitation, and attempt to rejoin the hearing. When you rejoin, you should announce your return. If you encounter issues and are unable to rejoin the hearing, update the Registrar

by email. If you do not have access to email, call the telephone number on the GoToWebinar invitation.

- Any connectivity issues on the part of a witness will be addressed as they arise. Where appropriate, the hearing will be put on hold while connectivity issues are resolved.

Dealing with evidence and authorities

- The Parties should confer and discuss in advance of the hearing whether witness testimony will be provided in writing or orally, and, if applicable, how witnesses will be provided copies of any documents to which they will be asked to refer to in their oral testimony.
- Documents the Parties may refer to during the hearing and that are not attached to an affidavit from a witness should be electronically provided to the Registrar in advance of the hearing to ensure that the Panel and all Parties have copies. The Registrar will provide instructions for providing documents electronically. Paper copies are not required.
- The *Protocol for E-Hearings* in Appendix A of the [Practice Guideline](#) provides guidance on the preparation of electronic hearing briefs of documents the parties may refer to during a hearing. The DocumentID column of the Index File (list of documents in the hearing brief) should contain hyperlinks to the documents in the hearing brief. Upon request, the Registrar will provide a guide to hyperlinking documents.
- The Parties are encouraged to file a joint hearing brief. The joint hearing brief should contain a table of contents listing each document and should clearly indicate each Party's position as to the authenticity and admissibility of each document in the hearing brief.
- Documents provided in advance are not Adjudicative Records (as defined by the [Rules of Procedure and Forms](#)) unless they are admitted as evidence by the Panel.
- Authorities the Parties may refer to during the hearing should be electronically provided to the Registrar in advance of the hearing to ensure that the Panel and all Parties have copies. The Registrar will provide instructions for providing documents electronically. Paper copies are not required.
- In a videoconference, a Party may show a document or authority the Party is referring to on the screen. However, the Party need not show the document or authority on the screen if the Panel and all Parties have a copy of the document or authority.
- Parties wishing to have the Registrar assist with sharing documents should arrange this with the Registrar in advance.

Self-represented parties

The [Litigation Assistance Program](#) (LAP) provides assistance to self-represented respondents who are involved in an Enforcement proceeding or Application for Hearing and Review before the OSC Tribunal. LAP is provided by a roster of external volunteer lawyers and not by the OSC. The volunteer lawyers are selected and trained by The Advocates' Society. Although the OSC facilitates the administration of LAP it cannot guarantee that legal services will be available.

The LAP is available for certain types of in-person and virtual hearings. For additional information or to apply, visit:

https://www.osc.gov.on.ca/en/Proceedings_litigation-assist_index.htm

The Duty Counsel Program is not available for virtual hearings.

General tips for virtual hearings

- Choose a quiet location. Let others nearby know that you will be taking part in a virtual hearing to minimize any potential interruptions.
- If possible, wear headphones or ear buds (preferably not wireless headphones such as AirPods) and turn down your speaker volume to minimize echo.
- Ensure your device is plugged in or fully charged. Monitor battery life throughout the hearing.
- Remember to unmute yourself before speaking.
- For videoconferences:
 - If possible, connect your device to the internet using a cable instead of wi-fi. If you must use wi-fi, choose a location with a strong internet signal.
 - Try to limit other individuals in your home from using your network.
 - Ensure you are in a well-lit location with minimal distractions.
 - Close any unnecessary applications and web browsers, to assist with internet connectivity and to avoid interruptions resulting from notifications.
 - You are not expected to only look at the camera during the videoconference hearing. It is expected that the Panel, Parties, witnesses and counsel may need to consult materials off-screen during the hearing, such as documents or authorities.

Tribunal resources

Additional [Tribunal resources](#) are available on the OSC website.

- [Upcoming Tribunal Proceedings](#)
- [Frequently Asked Questions about Proceedings](#)
- [Rules of Procedure and Forms](#)
- [Practice Guideline](#)
- [Book of Authorities](#)
- [Adjudication Guideline](#)
- [Tribunal Metrics](#)

Appendix A

Technical requirements for videoconference hearings

The OSC Tribunal conducts videoconference hearings using the GoToWebinar platform. Participants require a device enabled with a camera, and either a built-in microphone on the device or telephone access.

Minimum requirements

Operating System	<ul style="list-style-type: none"> Windows 7 – Windows 10 Mac OS X 10.9 (Mavericks) – Mac OS 10.15 (Catalina) Android OS 5 (Lollipop) – Android OS 9 (Pie) Windows Phone 8+, Windows 8 RT+
Web browser	<ul style="list-style-type: none"> Google Chrome v57 or later Mozilla Firefox v52 or later Internet Explorer v10 or later Microsoft Edge v12 or later Apple Safari v10 or later
Internet Connection	<ul style="list-style-type: none"> Computer: speed 1 Mbps or better (broadband recommended) Mobile Device: speed 3G or better (WIFI recommended for VoIP audio)
Software	<ul style="list-style-type: none"> GoToWebinar desktop app GoToWebinar mobile app JavaScript enabled
Hardware	<ul style="list-style-type: none"> 2GB of RAM (minimum), 4GB or more of RAM (recommended) Webcam Microphone and speakers (USB headset recommended)
Mobile Device	<ul style="list-style-type: none"> iPhone 4S or later (iOS 10 or later) iPad 2 or later Windows Phone 8 or later Android OS 5 (Lollipop) – OS 9(Pie)



Contact information

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