



Appeals Regulation

Edmonton Combative Sports Regulation for Appeals of Executive Director Decisions

Description

The Edmonton Combative Sports Commission (the Commission) requires an Appeals Regulation to further define the process to appeal decisions made by the Executive Director with respect to issuing and altering licences and event permits, in accordance with City of Edmonton Bylaw 15594 and related Commission Regulations.

Rationale

To outline a fair and transparent appeal process with respect to decisions of the Executive Director related to issuing and altering licences and event permits under Regulation #1: Licensing: Contestants and Seconds, Regulation #2: Licensing: Promoters, Regulation #3 Licensing: Officials, and Policy #4: Event Permits.

This Regulation is to be read in conjunction with Bylaw 15594. Terms not defined here have the same meaning as in the Bylaw. Defined terms begin with an upper-case letter. Headings are for clarity.

In the event of a conflict between the contents of Bylaw 15594 and this Regulation, the Bylaw supersedes this Regulation.

I. DEFINITIONS

1.1 In this Regulation:

- (a) "Appeal Panel" means one (1) or more Commission members designated to decide an Appeal or any part of the Appeal process.
- (b) "Appellant" means a Promoter, Contestant, Second, or Official who has been issued or has applied for a Licence, or a Promoter who has been issued or has applied for an Event Permit, and who has met the eligibility requirements to

appeal the decision of the Executive Director with respect to that Licence or Event Permit;

- (c) “Applicant” means a Promoter, Contestant, Second, or Official who applies for a Licence, or a Promoter who applies for an Event Permit;
- (d) “Hearing” means a meeting of the Appeal Panel at which evidence may be presented and following which a decision is made on the Appeal (a hearing may also be done in writing at the discretion of the Commission);
- (e) “Notification of Decision” means the written notification from the Executive Director with respect to a License or Event Permit decision.

II. PROCEDURE

Duties and Powers

- 2.1 The Commission may determine its Appeal process.
- 2.2 The Appeal Panel shall hold Hearings and perform other duties that are assigned to it under any City of Edmonton Bylaw or Regulation.
- 2.3 Except as limited by this Regulation, the Appeal Panel has all the powers that are necessary for carrying out its duties.

Notification and Timing of Decision

- 2.4 The Executive Director shall notify the Applicant or Licensee, in writing, of all licensing decisions, which may include:
 - (a) a License or Event Permit is issued;
 - (b) a Licence or Event Permit has been issued with conditions;
 - (c) a Licence or Event Permit has been refused;
 - (d) an issued Licence or Event Permit has been suspended or cancelled; or
 - (e) the terms and conditions of a Licence or Event Permit have been amended, including the introduction of new terms and conditions.

Notification of Decision

- 2.5 The Executive Director’s written Notification of Decision shall set out for the Applicant or Licensee:
 - (a) the reasons for the licensing decision;
 - (b) the right to Appeal;

- (c) where to locate the Appeals Regulation;
- (d) where and how to access the Notice of Appeal form;
- (e) timelines for filing the Appeal; and
- (f) how to file an Appeal and a notice to direct questions regarding the appeal to the Commission Chair.

Who Can Appeal?

2.6 The party who received and is subject to the Notification of Decision may Appeal.

Cost of Appeal

2.7 There is no cost to file an Appeal.

When Can An Appeal Be Made?

2.8 The Applicant or Licensee may submit a Notice of Appeal form to the Commission, attention to the Commission Chair, no later than fourteen (14) days after receiving the Notification of Decision.

Extension for Filing an Appeal

2.9 The Applicant or Licensee may make a written request to the Commission Chair for an extension of time to file the Appeal. Within seven (7) days of receiving the request for extension to file an Appeal:

- (a) the Commission Chair or the Chair's designate will establish a one (1) person panel to decide on the time extension request; and
- (b) the Panel will notify the Applicant or Licensee and the Executive Director of the decision.

Commission's Response to An Appeal

2.10 Within two (2) days of receiving the Notice of Appeal, the Commission will, by way of written acknowledgement, notify the Applicant or Licensee and the Executive Director, that the Appeal has been filed.

Determining If An Appeal is Eligible

2.11 If the Applicant or Licensee is unclear whether the matters in the Notification of Decision are appealable under Bylaw 15594, an immediate written request for confirmation may be sent to the Commission Chair. Within three (3) days of receiving the request, the Commission Chair or the Chair's designate will establish a one (1) person panel to confirm the eligibility of the Appeal and advise the Applicant or Licensee and the Executive Director of the outcome.

2.12 If any issues in the Notice of Appeal are not appealable under Bylaw 15594, then within seven (7) days of receiving the Notice of Appeal, the Commission will notify the Applicant or Licensee and the Executive Director in writing that the issue is not appealable. This determination is final and cannot be further appealed to the Commission.

How Will an Appeal be Addressed?

2.13 The Appeal will be addressed by way of a Hearing.

Hearing Notice

2.14 The Commission Chair will send a written Hearing Notice to the Appellant and the Executive Director within twelve (12) days of receiving the Notice of Appeal. The Hearing Notice will be provided at least thirty (30) days before the hearing date. Upon written request or on its own motion, the Commission may schedule a hearing at an earlier time, provided that both the Appellant and the Executive Director agree to the proposed date.

2.15 The Hearing Notice will confirm:

- (a) That the Notice of Appeal was filed on time and that the matter at issue is eligible to be appealed;
- (b) the date, time, and format or location of the Hearing;
- (c) an overview of the Hearing process which includes:
 - (i) when parties are to exchange documentary evidence;
 - (ii) confirmation that the Appeal Panel will decide the appeal based on the information available up to and including the Hearing; and
 - (iii) the process to reschedule a Hearing;
- (d) the name of a contact person within the Commission to address all matters related to the Appeal.

Pre-Hearing Conference

2.16 Prior to the Hearing, a pre-hearing conference may be scheduled in person or remotely by way of digital communications or telecommunications, as determined by the Commission, in order to address any preliminary, procedural or administrative matters regarding the Appeal.

2.17 The Appellant, the Executive Director and one or more members of the Appeal Panel will attend the pre-hearing conference.

How Will the Hearing Be Conducted?

- 2.18 A Hearing may be conducted in person, remotely by way of digital communications or telecommunications, in writing, or in any combination of those, as determined by the Commission.
- 2.19 The format of the Hearing will not lessen the rights of the Appellant and will not lessen the responsibilities of the Commission in providing a fair Hearing.

Who Will Decide the Appeal?

- 2.20 The Appeal will be decided by the Appeal Panel who conducts the Hearing.

Appointment and Composition of the Appeal Panel

- 2.21 The Commission Chair or designate shall appoint an Appeal Panel comprised of one (1) or three (3) Commissioners.

Rescheduling a Hearing

- 2.22 Up to two (2) days before a hearing, the Appellant or the Executive Director may make a written request to the Commission Chair to reschedule the Hearing. The Commission Chair or designate has sole discretion to decide the rescheduling request.

Withdrawal of Appeal

- 2.23 The Appellant may withdraw the Appeal by notifying the Commission Chair in writing at any point up to and including the day of the Hearing.

No Show at the Hearing

- 2.24 A Hearing may proceed even if one or all of the parties fail to attend. In this case, the Appeal Panel will issue a decision based on any and all evidence submitted up to and including the Hearing.

Decision From the Hearing

- 2.25 In accordance with Bylaw 15594 Section 21-23, the Appeal Panel will issue its written decision with reasons to all parties within seven (7) days of the Hearing.
- 2.26 A decision of the Appeal Panel is final. No further appeal to the Commission is permitted once the Appeal Panel has issued a decision on the Appeal.

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