



## **J.21 – ASSESSING INVESTIGATION COSTS AND HEARING COSTS POLICY**

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Council is permitted to assess investigative costs and hearing costs when taking disciplinary action under section 231 of the Act. Council is not permitted under the Act to assess these costs when making a determination on the issuance of an insurance licence.

### **1. Apportioning Investigation Costs**

Investigative costs are not assessed as a form of punishment. They are assessed on the principle that licensees whose improper activities engage Council's resources ought to bear some, or all, of these costs.

At its discretion, Council may assess investigation costs proportionally, such as between licensees, if there is more than one licensee who is the subject of Council discipline.

### **2. Calculating Investigations Costs**

Investigation costs are tracked upon commencement of an investigation until the matter has been concluded by way of an order, a warning, a dismissal, or other means. Investigation costs can include, but are not limited to:

- Time spent by Council staff conducting the investigation, assessed in accordance with the Council's Costs Assessment Schedule;
- Disbursements;
- Third-party costs (e.g. expert reports, witness costs, interpreter costs, and process servers);
- Legal fees (excluding those incurred in preparation of a hearing); and
- Travel expenses when it is necessary to obtain evidence in person, such as if an immediate public risk exists due to a licensee's actions.

### **3. Apportioning Hearing Costs**

Council recognizes the importance of ensuring that hearing costs not be a barrier to the due process provided to licensees under the Act.

When a hearing has been completed, the Hearing Committee may invite written submissions on whether or not Council should assess hearing costs. If hearing costs will be assessed by Council, an explanation for the assessment will be provided to the licensee in writing which will include whether the assessment is being made in accordance with Council's Costs Assessment Schedule or based on Council's actual hearing costs.



Hearing costs are formulated based on Council's Costs Assessment Schedule, unless the Hearing Committee has determined that exceptional circumstances exist and Council's actual hearing costs should be assessed to a licensee.

#### **4. Administration of Investigation Costs and Hearing Costs**

Where Council assesses investigative costs or hearing costs, a breakdown of the costs is made available to the licensee upon request.

Investigative costs and hearing costs are imposed in an order and licensees are given a set period of time to pay these costs. Failure to pay the costs within the required timeline, will result in the suspension of the licensee's insurance licence until such time as the costs are paid in full. In the case where a licensee ceases to hold an insurance licence and has not paid the ordered costs, the licensee will not be permitted to apply for an insurance licence with Council until such time as the costs are paid in full.

Council reserves the right to file with the court a certified copy of its order assessing the costs and, on being filed, the order has the same force and effect and all proceedings may be taken on the decision as if it were a judgment of the court.

Council's investigative costs and hearing costs assessment schedule is reviewed and updated periodically.

**COSTS ASSESSMENT SCHEDULE****Investigation Costs:**

<b>Investigation Costs:</b>
<b>\$125.00/hour</b>
<i>This rate reflects a reasonable portion of the actual costs incurred by Council and is based on an independent review that has established the appropriate hourly rate</i>

**Hearing Costs:**

<b>Hearing Time Costs for Each Day of Hearing:</b>			
	Under 2.5 hours	2.5 to 5 hours	Over 5 hours
Legal Counsel Preparation	<b>\$275.00</b>	<b>\$550.00</b>	<b>\$825.00</b>
Legal Counsel Attendance	<b>\$550.00</b>	<b>\$1,100.00</b>	<b>\$1,650.00</b>

<b>Flat Rate Costs:</b>	
Preparation of Written Argument	<b>\$550</b>
Correspondence, instructions, conferences, etc.	<b>\$550</b>
Disbursements	<b>As incurred</b>
Court Reporter	<b>As incurred</b>
Council Member Per Diems	<b>In accordance with provincial government requirements</b>
Travel Expenses	<b>As incurred</b>