



Horse Racing Appeal Panel
90 Sheppard Avenue East, Suite 200
Toronto ON M2N 0A4
Tel: 416 326-8700 or 1 800 522-2876 toll free in Ontario
Fax: 647 423-2198

Practice Direction

Contested Stay Requests

This document provides general information about contested stay requests before the Horse Racing Appeal Panel (HRAP). The procedure outlined in this document is for information only. It is not a rule within the meaning of the HRAP's Rules of Procedure. The HRAP may vary its approach to dealing with a contested stay request, where appropriate.

Introduction

The HRAP is committed to providing a fair, open and accessible process for parties and has established Rules of Procedure to support, among other things, the efficient and timely resolution of matters.

The purpose of this Practice Direction is to provide clarity with respect to contested stay requests, in the interest of transparency and so as to allow parties to plan and prepare accordingly.

Stay Request

Under the HRAP's Rules of Procedure, licensees can request a "stay" temporarily suspending a ruling or decision of a Judge, Steward or the Registrar that they are appealing. The effect of temporarily suspending the ruling or decision means that it does not apply until the licensee's appeal is heard or such other time as the HRAP may determine.

Once a licensee has notified the HRAP that he/she wishes to request a stay, the AGCO administration (i.e. the Registrar of Alcohol, Gaming and Racing) has the opportunity to respond and advise the HRAP whether they consent or object to the stay request.

If the AGCO administration consents to the stay request, the HRAP will typically decide on the matter without having to conduct a hearing. In such cases, a decision may be issued within 48 to 72 hours.

On the other hand, where a stay request is contested or objected to by the AGCO administration, the HRAP will typically schedule a hearing in order to hear submissions from both parties to assist the Panel in making a decision on the matter.

Stay hearings in these cases will normally be scheduled on an expedited basis, with the objective being to hold the hearing within 7 business days of receiving a motion requesting an order for a stay. This policy recognizes the appellant's interest in having his/her case heard within a reasonably short timeframe, while also appreciating that some time is necessary to allow the parties to prepare their case and to ensure the availability of a Panel member.

Hearing

Note hearings before the HRAP are a quasi-judicial process and are generally held in person. You can represent yourself or be represented by counsel, call witnesses, present evidence and cross-examine the AGCO administration's witnesses. The AGCO administration will be represented by counsel, who can present witnesses and evidence, and can cross-examine your witnesses.

For more information about stays and the hearing process, please consult our Guide to the Appeals Process which can be found on the HRAP's website at www.hrappanel.ca.