

This guideline provides proper considerations in determining whether to accept a submission received after the date it was due as set out in the schedule of submissions for that written hearing.

The decision whether to accept a late submission must be made by:

- the Tribunal Chair if a panel has not yet been appointed
- The panel chair if a panel has been appointed

The panel must always consider the overall principle of fairness as well as keep in mind that an objective of the overarching legislation is to provide a speedy resolution to an appeal.

While exercising discretion, take into account:

- reasons for the late submission
- whether the late submission contains additional evidence (see Additional Evidence Guideline)
- whether refusal of the late submission would permit an adequate hearing to be held
- whether the party's interests are prejudiced by not accepting the late submission
- whether accepting the submission would cause unreasonable delay, and
- the impact of accepting or refusing the late submission, including prejudice to the other party

The Tribunal will issue a decision in writing to the parties and, if the submission is accepted, the other party will be given seven (7) business days to provide a written submission in response.