

## Appeals Process

The following is from Sections 16 and 17 of the [Regulations pursuant to the Nova Scotia Architects Act](#)

### **16. Procedure for appeal to Licensing Appeal Committee**

- (1) If an application for a licence or a corporate permit has been refused, the Board must give the applicant written reasons for the decision to refuse and the applicant may, by written notice, appeal the decision to the Licensing Appeal Committee no later than 30 days after the date the applicant receives the written reasons.
- (2) On receipt of written notice of an appeal, the Licensing Appeal Committee must do all of the following:
- (a) set a date for a hearing of the appeal, which must be no later than 60 days after the date the Committee receives the written notice of appeal;
  - (b) serve written notice of the date, time and place for the hearing of the appeal on the appellant and the Board;
  - (c) advise the appellant of their right to
    - (i) be represented by legal counsel, or another representative at the expense of the appellant;
    - (ii) disclosure of any information to be given to the Committee; and
    - (iii) a reasonable opportunity to present a response and make submissions.
- (3) The parties to an appeal before the Licensing Appeal Committee are the Association and the appellant.
- (4) Except as provided in subsection (5), evidence is not admissible before the Licensing Appeal Committee unless, at least 10 days before the appeal, the opposing party has been given
- (a) in the case of written or documentary evidence, an opportunity to examine the evidence;
  - (b) in the case of evidence of an expert, a copy of the expert's written report or, if there is no written report, a written summary of the evidence; and
  - (c) in the case of evidence of any other witness, the identity of the witness.
- (5) The Licensing Appeal Committee, in its discretion, may allow the introduction of evidence that is otherwise inadmissible under subsection (4) and may make directions it considers necessary to ensure that a party is not prejudiced.
- (6) In a proceeding before the Licensing Appeal Committee, the parties have the right to
- (a) the opportunity to present evidence and make submissions, including the right to cross-examine witnesses; and
  - (b) receive written reasons for a decision within a reasonable time.
- (7) At a hearing before the Licensing Appeal Committee, all material relied on by the Board in making the decision that is the subject of the appeal must be given to the Committee and to the appellant.
- (8) In addition to the material given to the Licensing Appeal Committee under subsection (7), either party may present additional evidence to the Committee and call witnesses.
- (9) The testimony of witnesses at a hearing before the Licensing Appeal Committee must be taken under oath or affirmation.

### **17. Disposition by Licensing Appeal Committee**

- (1) The Licensing Appeal Committee, in accordance with the evidence it receives when hearing an appeal, may make any determination that in its opinion ought to have been made by the Board.
- (2) The Licensing Appeal Committee must give its decision in writing and send to the parties a copy of the written decision by registered mail or personal service.
- (3) A decision of the Licensing Appeal Committee is final.