

Appendix 7

Orders (to Testify and for the Production of Documents)

WCAT Workers' Compensation
Appeal Tribunal

150 – 4600 Jacombs Road
Richmond, BC V6V 3B1
Telephone: (604) 664-7800
Toll Free: 1-800-663-2782
Fax: (604) 664-7898

IN THE MATTER OF the *Administrative Tribunals Act*, S.B.C. 2004 c.45,
and
IN THE MATTER OF the *Workers Compensation Act*, R.S.B.C. 2019 c.1, s. 299(1)
and
IN THE MATTER of an Appeal (or Application [optional for s. 311 or reconsideration])

Appellant (or Applicant):

Respondent:

WCAT Number:

ORDER

To:

Address:

TAKE NOTICE that the Workers' Compensation Appeal Tribunal has been advised that you may have knowledge material to this appeal (or application). You are therefore required to attend to testify as a witness before the Workers' Compensation Appeal Tribunal at the time, date, and place set out below. You are also required to bring with you all documents in your possession or control with regards to *** (and, where applicable, other things):

Time: [Time]
Date: [Month Day, Year]
Place: Workers' Compensation Appeal Tribunal
4600 Jacombs Road
Richmond, BC V6V 3B1

DATED

[NAME], VICE CHAIR

IMPORTANT: NOTICE TO THE WITNESS and NOTICE TO THE PERSON SERVING THE ORDER must be attached and served with this Order.

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NOTICE TO THE WITNESS:

Take notice that, pursuant to section 299 of the *Workers Compensation Act* and the *Manual of Rules of Practice and Procedure*, WCAT has the same power to enforce your attendance as has a court in civil cases.

If a person fails to comply with an order issued under section 299(1), WCAT may apply to the Supreme Court for an order directing compliance, pursuant to section 299(2) of the *Workers Compensation Act*.

Section 49 of the *Administrative Tribunals Act* states that the failure or refusal of a person summoned as a witness to do any of the following makes the person, on application to the court by the tribunal, liable to be committed for contempt as if in breach of an order or judgment of the court:

- a) attend a hearing;
- b) take an oath or affirmation;
- c) answer questions;
- d) produce the records or things in their custody or possession.

NOTICE TO THE PERSON SERVING THE ORDER:

The proper witness fees must be tendered when the summons is served.

1. For each day or part of a day travelling to and from or attending to give evidence at any hearing: \$20.00
2. Travel allowance, where the hearing is held at a place
 - Within 200 kilometers by road (including any ferry route within the Provincial road system) of where the witness resides, 30 cents per kilometre each way by road between his or her residence and the place of hearing; provided that no travel allowance shall be made if the distance by road between that residence and the place of hearing is less than 8 kilometers. This allowance includes ferry fares and road tolls; and
 - More than 200 kilometers from where the witness resides, the minimum return air fare by scheduled airline plus 30 cents per kilometre each way from his or her residence to the departure airport and from the arrival airport to the place of hearing.
3. A reasonable allowance for meal expenses made necessary by the witness' attendance, and where the witness resides elsewhere than the place of hearing and is required to remain overnight, a reasonable allowance for overnight accommodation.

4. A reasonable sum shall be allowed for the time employed and expenses incurred by the witness in preparing to give testimony when that preparation is necessary.
5. A person served with an order compelling the production of documents is entitled to payment of the reasonable cost of copying and delivery payable in advance by the requesting party.

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and
IN THE MATTER the *Workers Compensation Act*, R.S.B.C. 2019 c.1, s. 299(1)
and
IN THE MATTER of an Appeal (or Application for s. 311 or reconsideration)

Appellant (or Applicant):

Respondent:

WCAT Number:

ORDER

To:

Address:

TAKE NOTICE that the Workers' Compensation Appeal Tribunal has been advised that you may have documents (or, where applicable, other things) relevant to this appeal (or application).

THEREFORE the Workers' Compensation Appeal Tribunal requires you to produce the following documents (or, where applicable, other things):

1.

The Workers' Compensation Appeal Tribunal directs you to forward the required documents (or, where applicable, other things) to the following address in person, by courier or by mail postmarked no later than [month day, year]:

Workers' Compensation Appeal Tribunal
150-4600 Jacombs Road
Richmond, British Columbia V6V 3B1

DATED

[NAME], VICE CHAIR

IMPORTANT: NOTICE TO THE RECIPIENT and NOTICE TO THE PERSON SERVING THE ORDER must be attached and served with this Order.

WCAT Workers' Compensation
Appeal Tribunal

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NOTICE TO THE RECIPIENT:

Take notice that, pursuant to section 299 of the *Workers Compensation Act* and the *Manual of Rules of Practice and Procedure*, WCAT has the same power to enforce the production and inspection of books, papers, documents and things as has a court in civil cases.

If a person fails to comply with an order issued under section 299(1), WCAT may apply to the Supreme Court for an order directing compliance, pursuant to section 299(2) of the *Workers Compensation Act*.

NOTICE TO THE PERSON SERVING THE ORDER:

A person served with an order compelling the production of documents is entitled to payment of the reasonable cost of copying and delivery payable in advance by the requesting party.