



## Practice Direction #36

### Delivery and Filing Documents

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**1.0 This Practice Direction** applies to WSIAT appeals and applications only and explains

- how to deliver a document to a party or representative
- how to file a document with the WSIAT
- when delivery or filing will be deemed to have taken place

### **2.0 How to Deliver a Document to a Party or Representative**

2.1 Documents must be delivered to a party or representative. This is also called “service” of a document.

2.2 A document may be delivered to a party or representative by

- mail – regular, courier, registered or certified to the last known business or home address
- secure email to a known email address
- fax to the last known fax number – this is acceptable only if the document is less than 15 pages (or longer with consent)
- personal delivery to the party or representative
- delivery to an adult person at the last known business or home address

2.3 If the service of a document is not practical, the WSIAT may notify a party or representative using public ads or by other means.

2.4 A document is considered delivered

- by mail, on the 5th day after it was mailed
- by courier, on the 2nd day after it was given to the courier
- by secure email when the sender receives the sent details (if the details indicate a time after 5:00 p.m., delivery occurred the next day)

- by fax when the sender gets a confirmation receipt (if the confirmation is after 5:00 p.m., delivery occurred the next day)
- personally when given to the party or representative or when left with an adult person at the last known address

2.5 A document is not considered delivered if the party or representative can prove to the WSIAT the document was received late due to

- absence
- accident
- illness
- other cause beyond the party's control

### **3.0 How to File a Document with the WSIAT**

3.1 "Filing" means that the document was delivered to the WSIAT.

3.2 Documents may be filed

- a. by E-file on the WSIAT website ([www.wsiat.on.ca](http://www.wsiat.on.ca) )
- b. by mail (regular, registered or certified) or courier to

Workplace Safety and Insurance Appeals Tribunal  
505 University Avenue, 5th Floor  
Toronto, ON  
M5G 2P2

- c. in-person to the same address

3.3 Filing is considered delivered by

- a. E-File on the date the document is received by the WSIAT's server (if this is after 5:00 p.m., it will be considered delivered on the next day)
- b. courier, mail, or in-person on the date of the receipt stamped on the document by WSIAT staff

## **4.0 Proof of Service and Filing**

4.1 If there is a dispute about service or filing, the WSIAT might need an affidavit or other evidence about the filing. Parties and representatives should keep supporting evidence. This could be

- E-File confirmation email
- courier receipt

## **5.0 Right to Sue Applications**

5.1 For more information about delivery and filing in Right to Sue Applications, review Practice Direction #17 – Right to Sue Applications.

## **6.0 References and Resources**

### **6.1 Legislative Authority**

*Workplace Safety and Insurance Act, 1997*, section 131 (the WSIAT can determine its own practice and procedure)

### **6.2 Related Practice Directions**

#17 – Right to Sue Applications

#35 – Calculation of Time