



Energy Resource Appeal Tribunal

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Requesting a Site Visit

Usually, hearings do not involve site visits. The members assigned to hear the appeal (the “panel”) usually learns about the site and related issues during the hearing. Sometimes, however, the panel may decide to schedule a site visit. This can be done if the panel decides on its own it would like to see the site, or because a party asks the panel to visit the site.

The purpose of a site visit

A panel’s aim in a site visit is to better understand the evidence. They might want to understand the locations of various points of interest and how they inter-relate. They might also want to see the scope and size of a feature that is significant to the appeal.

The panel will not gather evidence at the site visit. Their observations will not be used to decide anything in the appeal. It will only be used to understand the evidence presented during the hearing. Rarely, a panel may allow parties (or participants or interveners allowed to present evidence) to provide evidence at a site visit. This can only happen if all parties, participants, interveners, and the recorder are present.

How to request a site visit

[Rule 18](#) describes how to request a site visit. The party applying must explain why a site visit would be helpful for the panel. If the site is not owned by the party requesting the site visit, the requesting party must ensure that the property owner consents to the site visit before filing the request.

A request for a site visit should be made as early as possible because of the time the panel may need to decide whether to do one. A site visit also requires considerable organization. Despite this, however, any party may request a site visit at any point in the pre-hearing or hearing process.

When deciding whether to grant the request for a site visit, the Commission will consider several factors. Those include the nature of the appeal, the time and expense involved in doing a site visit, the benefits of a site visit, and whether those benefits require a site visit. In some cases, the same benefits might result from a review of maps, images, or videos, for example. Normally, a panel will only agree to a site visit if all parties, participants and interveners are present or have said they do not wish to be.

Scheduling a site visit

If a panel decides to do a site visit, it will set the date and time. It will explain to the parties how the visit will proceed, and whether there are any conditions or limitations.

The panel will either travel to the site in a separate vehicle, or will travel in one vehicle with all parties and participants.