

ENVIRONMENTAL APPEAL BOARD CLOSING STATEMENTS

Once all of the evidence has been presented by the parties at an oral hearing, the Panel Chair will ask for each party's "closing statements" (also referred to as: closing submissions, closing comments or closing argument). This is the final opportunity for each party to explain their case and persuade or convince the Panel that his or her position is the correct one.

Order of presentation

The parties will normally be asked to present their closing statements in the following order:

- (1) appellant
- (2) respondent
- (3) third party (if any)
- (4) participant (if any)
- (5) intervener (if any)¹
- (6) reply by appellant

Purpose of closing statements

The closing statement is your final opportunity to convince the Panel that your position is the right one and that the Panel should rule in your favour. This is the time to summarize your case, point out or emphasize the evidence given at the hearing that you want the Panel to pay attention to, and identify any principles of law, or sections of the legislation, that you believe supports your case. It is also the time to explain why the evidence that you presented should be accepted rather than the evidence of the other party(ies), and to clearly state what you want the Panel to order or decide.

[Further information on "what is evidence" may be found in the Information Sheet titled "[The Evidence: proving your case at an oral hearing](#)"]

How to prepare a closing statement

Closing statements are more difficult to prepare in advance of the hearing than opening statements because you can never be sure what evidence is going to come out during the hearing. As a result, you will not be able to write the final version of a closing statement before the hearing, or to have an exact script. However, there are things that you can do in advance to be better prepared to make an effective closing statement:

- Before the hearing takes place, prepare a basic outline of your closing statement. Set out the main points or arguments that you intend to make and leave spaces below those points. During the hearing, you can fill in the evidence and facts from your witnesses that support those points. This also allows you to insert the evidence given by the other parties' witnesses that also supports your claims.
- When it is your turn to present your closing statement, identify your basic position on the appeal (e.g., I am arguing that the decision/order under appeal should be overturned/changed/confirmed), and provide a short summary or list of the reasons why.
- Next, go through your main headings one-by-one, and refer to the evidence that you believe strengthens your claims. Explain what evidence proves your case, and explain how your witnesses, and/or the witnesses of the other parties, confirms this. Talk about each item that you proved and explain how you proved it (e.g., I have shown that there is enough water for a water

¹ The Board only has the authority to add an "intervener" under s. 33 of the *Administrative Tribunals Act* in appeals under the *Mines Act*.

licence. This was shown by the measurements taken by witness X, who said that and/or by these documents ...).

- Explain why your opponent's version of events is incorrect. Explain why their witnesses should not be believed and/or why their evidence should not be accepted.
- Provide any law (including previous Board decisions) or legislation that supports your case, and explain why any law or legislation relied upon by another party should or should not be accepted (e.g., why it does or does not apply to the situation or circumstances at issue in the appeal).
- Repeat the remedy (outcome) that you are asking for. You may also wish to suggest alternatives for the Panel to consider when making its decision, provided that the evidence presented in the hearing supports the proposed alternatives.

No new evidence will be accepted in the closing statement. [See also the Information Sheet on "[The Evidence: proving your case at an oral hearing](#)" which explains the difference between evidence and argument".]

Written closing statements

If there is not enough time at the end of the hearing, or if the parties prefer and the Panel agrees, the Panel Chair may ask the parties to provide written closing statements according to a specific schedule. The order of presentation will be the same as for an oral closing, but the due dates will be staggered by a week or so, depending on the complexity of the hearing and whether there is any urgency to having the matter completed.

In complex cases, closing statements may be done in two phases: written closing statements followed by an opportunity to present them in person at a scheduled time and place, or by teleconference.

How to prepare a written closing statement

An effective written closing statement will address the same points outlined above for an oral closing. As with an oral closing, this is the time to summarize your case, reiterate the important evidence and explain why the opposing parties' witnesses and arguments should not be accepted. Keep in mind that this is your last opportunity to convince the Panel that your case should be accepted over that of the other party(ies).

Also, as stated above, no new evidence will be accepted.