



Civil Resolution Tribunal

RULES

effective May 1, 2021

DRAFT



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PART 1 - GENERAL RULES

Rule 1.1 -- Purpose of the Rules

- 1) These rules are meant to help the tribunal and parties resolve disputes through the tribunal.
- 2) These rules must be applied in a way that
 - a) takes reasonable steps to recognize and address the needs of tribunal participants,
 - b) is appropriate in the circumstances of each dispute, including considering fairness and proportionality,
 - c) recognizes any relationships between parties to a dispute that will likely continue after the tribunal proceeding is concluded,
 - d) facilitates speedy, accessible, inexpensive, informal and flexible processes,
 - e) encourages early and collaborative dispute resolution,
 - f) makes reasonable accommodations for the diverse circumstances of those using the tribunal,
 - g) recognizes the value of certainty and finality in the resolution of disputes and compliance with outcomes, and
 - h) promotes understanding of the dispute resolution processes for the tribunal's participants and the public.

Rule 1.2 -- Format and Interpretation of the Rules

- 1) These rules place high importance on fairness and access to justice.
- 2) ~~In exceptional circumstances, the~~The tribunal can waive the application of a rule or timeline to facilitate the fair, affordable, and efficient resolution of disputes.
- 3) In calculating time under these rules, all references to days are counted as calendar days.

Rule 1.3 -- Participation

- 1) All parties in a dispute ~~being resolved by~~ the tribunal is resolving must
 - a) make themselves available to participate in the tribunal process,
 - b) participate in any of the tribunal's case management activities or hearings ~~held by the tribunal,~~
 - c) behave and communicate in a respectful manner, and
 - d) follow the directions ~~provided by that~~ tribunal members ~~and,~~ case managers and other tribunal staff provide.



- 2) If multiple applicants choose to file an application for dispute resolution together, those applicants must nominate a primary applicant to
 - a) start the tribunal process,
 - b) serve as the contact person for the multiple applicants, and
 - c) represent all the applicants during the tribunal process, including having the authority to bind all applicants.
- 3) ~~No~~A person can record a case management discussion or tribunal decision process ~~without~~only with permission from the tribunal.
- 4) All parties, representatives and helpers must comply with the tribunal's Code of ConductCode of Conduct for Parties, Representatives and Helpers.

Rule 1.4 -- Non-Compliance

1) [Repealed]

~~1)2)~~If a party does not comply with the ~~CRT~~Act, a rule, an order_z or a direction at any stage of a tribunal proceeding, the tribunal may determine the party is non-compliant ~~and~~

~~2) If a party is non-compliant, the tribunal may~~

- a) decide the dispute relying only on the information and evidence that was provided in compliance with the Act, a rule, an order_z or a direction,
 - b) conclude that the non-compliant party has not provided information or evidence because the information or evidence would have been unfavourable to that party's position, and make a finding of fact based on that conclusion,
 - c) dismiss the claims brought by a party that did not comply with the Act, a rule, an order_z or a direction, and
 - d) require the non-compliant party to pay to another party any fees and other reasonable expenses that arose because of a party's non-compliance with the Act, a rule, an order_z or a direction.
- 3) To determine how to proceed when a party is non-compliant the tribunal will consider
 - a) whether an issue raised by the claim or dispute is important to persons other than the parties to the dispute,
 - b) the stage in the case management process at which the non-compliance occurred,
 - c) the nature and extent of the non-compliance,



- d) the relative impact on the parties of the tribunal's order addressing the non-compliance, and
- e) the effect of the non-compliance on the tribunal's resources and mandate.

Rule 1.5 -- Tribunal Forms

- 1) The official versions of the tribunal's forms are
 - a) the electronic versions ~~provided by~~ the tribunal provides, and
 - b) the paper versions ~~authorized by~~ the tribunal authorizes.

Rule 1.6 -- Tribunal Fees

- 1) If a tribunal form or rule indicates a fee is required ~~in order~~ to take a step, the fee shown in the [Civil Resolution Tribunal Fees](#) must be paid before the tribunal will complete the step.
- 2) A person who cannot afford to pay a fee can ask the tribunal to waive payment of fees by
 - a) completing the steps required by the Fee Waiver Request Form, and
 - b) providing any other information ~~requested by~~ the tribunal requests.
- 3) In deciding whether to waive the payment of fees, the tribunal will consider the person's ability to pay, based on information about that person's financial situation.
- 4) If the tribunal waives payment of fees and later determines that the person should not have qualified for a fee waiver, the tribunal may order that person to pay the fees.

Rule 1.7 -- Information and Evidence

- 1) Parties are responsible for providing evidence to support their position on each claim.
- 2) The tribunal can restrict the format, size, or amount of information and evidence submitted or exchanged during the tribunal process.
- 3) If information or evidence submitted is not of a format or quality necessary to support a fair and appropriate tribunal process, the tribunal can require the person who submitted the information or evidence to resubmit it in a different format or to reduce the amount of evidence submitted.
- 4) Parties must only submit original documents and physical evidence when they are directed or ordered to do so.
- 5) ~~Unless the tribunal otherwise allows, all~~ evidence and materials ~~relied on by that~~ a party relies on must be in English or translated to English.



Rule 1.8 -- Communications and Party Contact Information

- 1) Every party and representative of a party must provide contact information including
 - a) an email address or the reasons why that party or representative cannot provide an email address,
 - b) a mailing address, and
 - c) a telephone number.

2) The tribunal will send communications electronically unless it is satisfied that the party ~~is unable~~ cannot use electronic communication methods.

2)3) A party must create a CRT account to access the CRT's online services.

Rule 1.9 -- Monitoring and Use of Contact Information for Tribunal Communications

- 1) Every party or representative of a party must
 - a) avoid disclosure of, inappropriate access to or use of their contact information for tribunal communications by people other than the party or the party's representative,
 - b) closely monitor and use their contact information for tribunal communications until the dispute is fully resolved, and
 - c) notify the tribunal immediately if their contact information for tribunal communications changes.
- 2) At any time during the tribunal process, the tribunal can require a party or representative to use communication types other than the ones selected by that party or representative.

Rule 1.10 -- Timing of Communications

- 1) ~~Electronic information and~~ Except for electronic communications made to serve a party with a Dispute Notice, electronic communications are considered received 24 hours after they are sent, unless the electronic recipient receives the communication ~~is made to serve a party with a Dispute Notice~~ earlier.
- 2) ~~Information and communications~~ Communications sent by ordinary mail are considered received ~~at noon~~ on the ~~10th~~ fifteenth day after ~~they are postmarked~~ the tribunal gives the mail to its mail services provider, unless the recipient receives the communication earlier.
- 3) ~~Information and communications~~ Communications sent by registered mail and courier delivery requiring a signature are considered received at the time shown on the delivery receipt.



Rule 1.11 -- Confidentiality of Settlement Discussions

- 1) Discussions, negotiations and other communications made attempting to settle claims by agreement in the tribunal process, including information exchanged as part of those communications, are confidential and must not be disclosed during the tribunal decision process or in any court proceeding or other legally binding process unless
 - a) the parties agree that they can be disclosed,
 - b) the parties are required by a court or tribunal to disclose them,
 - c) it is information or evidence that would ordinarily be disclosed or produced in a tribunal decision process, court proceeding or other legally binding process, or
 - d) the content of those communications or information is abusive, or includes threats of bodily harm, made during or in connection with negotiation or settlement processes.

Rule 1.12 -- Translation and Interpretation for People Who Need Help Communicating

- 1) A party can ask a family member, friend, or other person to provide support and assistance by translating written communications and interpreting spoken communications if
 - a) that party has difficulty understanding or communicating in the English language, or
 - b) the party's ability to communicate is limited for another reason.
- 2) A person must not provide translation, interpretation support or assistance for any party to that dispute if
 - a) the person may be named as a witness by a party to a dispute, or
 - b) the person has a direct interest in the outcome of a claim in the dispute.
- 3) The tribunal can decide which party must ~~bear the costs of~~pay for translation or interpretation services and can direct any party to take further steps in relation to translation or interpretation of communications.

Rule 1.13 -- Representation of Parties in the Tribunal Process

- 1) A childminor who is under 19 years old or a person with impaired mental capacity
 - a) must participate in the tribunal process through a litigation guardian, and
 - b) is not required to request permission from the tribunal to be represented.
- 2) A litigation guardian acting for a childminor or a person with impaired mental capacity must provide a completed Litigation Guardian Declaration Form to the tribunal.



- 3) If an application for dispute resolution involves a personal injury then a ~~child~~ minor or person with impaired mental capacity must also be represented by a lawyer or a person supervised by a lawyer unless the litigation guardian is the Public Guardian and Trustee.
- 4) If an application for dispute resolution involves a minor or person with impaired mental capacity, and that party's litigation guardian intends to abandon more than 20% of the ~~claim~~ claim's value so it falls within the tribunal's monetary jurisdiction ~~of the tribunal~~, the litigation guardian must first obtain the consent of the Public Guardian and Trustee.
- 5) A party requesting permission to be represented in a dispute must provide information to the tribunal explaining why representation is in the interests of justice and fairness.
- 6) In considering a request for permission to be represented in a dispute other than a dispute under the tribunal's motor vehicle injury jurisdiction, ~~at the~~ tribunal ~~employee or member~~ may consider
 - a) if any other party in the dispute is represented and if so, whether that representative is a lawyer or person supervised by a lawyer,
 - b) whether every party in the dispute has agreed to representation,
 - c) whether the person proposed as the representative is appropriate,
 - d) the stage in the dispute resolution process, and
 - e) whether, in the interests of justice and fairness, the party should be permitted to be represented.
- 7) A party to a dispute under the tribunal's motor vehicle injury jurisdiction can be represented by
 - a) a lawyer,
 - b) an authorized employee of an insurer when the insurer may ~~be required~~ have to provide coverage to pay damages in the dispute, or
 - c) any other representative the tribunal considers appropriate.
- 8) In considering whether a representative is appropriate, the tribunal may consider
 - a) whether the proposed representative has an interest in the dispute that is adverse to the party's interest in the dispute,
 - b) whether the proposed representative may be a witness in the dispute,
 - c) the proposed representative's ability to communicate in English, and
 - d) the proposed representative's ability to respond to communications in a timely manner.
- 9) A party who is represented must be present during all tribunal proceedings, or otherwise fully informed and providing direct input, ~~unless the tribunal excuses the party from doing so.~~



- 10) ~~Unless the tribunal authorizes otherwise, a~~ party that is a corporation, partnership or other form of organization must act through one of the following:
- a) if the party is a strata corporation, by an authorized member of the strata council;
 - b) if the party is an incorporated entity, by a director, officer or authorized employee;
 - c) if the party is a partnership, by a partner or authorized employee; ~~or~~
 - d) if the party is an unincorporated entity using a business name, by the owner of the business or any authorized employee; ~~or~~
 - e) if the party is a section of a strata corporation, by an authorized member of the section executive.
- 11) An insurer may represent their insured without requiring the tribunal's permission ~~of the tribunal~~ if they:
- a) are making a claim to recover from a third party an amount paid under an insurance policy, or
 - b) may be required to provide coverage to pay damages in a dispute.
- 12) An insurer who is a representative or a party in a dispute must act through
- a) a director or authorized employee of the insurer, or
 - b) another person ~~permitted by a the~~ tribunal ~~employee or member~~ permits to represent the insurer.
- 13) A person acting for or representing a corporation, partnership or other form of organization must have the authority to bind the party at all stages of the tribunal process.

Rule 1.14 -- Participation of Helpers and Representatives

- 1) A party may use a helper to assist them in the tribunal process, but a helper may not communicate on behalf of the party or enter into binding agreements on the party's behalf.
- 2) At any time during the tribunal process, a case manager or tribunal member can restrict the helper or representative's participation ~~of a person providing representation or assistance~~ in the tribunal process.

Rule 1.15 -- Timelines

- 1) ~~A~~ The tribunal ~~officer~~ can extend or shorten any timeline for any step or phase of the tribunal process.
- 2) The tribunal can pause the tribunal process and resume it at a future date.



- 3) In considering a request from a party to extend or shorten any timeline for any step or phase of the tribunal process, or to pause the tribunal process, the tribunal may consider
 - a) the reason for the request,
 - b) whether all parties consent,
 - c) any prejudice to the other parties,
 - d) whether there have been previous delays in the tribunal process, and the reasons for those delays,
 - e) the tribunal's mandate,
 - f) other legislation which applies to the dispute and to the request,
 - g) whether it is in the interests of justice and fairness, and
 - h) any other factors the tribunal considers appropriate.
- 4) If a deadline set by the tribunal falls on a weekend or statutory holiday, the deadline is automatically extended to the next ~~day that is not a weekend or statutory holiday~~ business day.

Rule 1.16 -- Linking Disputes

- 1) At any time during the tribunal process the tribunal can link disputes that have common parties or issues.
- 2) The tribunal may conduct joint case management or tribunal decision process activities for linked disputes.

Rule 1.17 – Amendments to Dispute Notices and Dispute Response Forms

- 1) ~~A party~~ An applicant may ~~request that~~ ask the tribunal to issue an amended Dispute Notice, or a respondent may ask the tribunal to accept an amended Dispute Response Form, by
 - a) contacting the tribunal to request an amendment,
 - b) specifying the requested amendments ~~that are requested~~, and
 - c) paying the required fee.
- 2) In deciding whether to amend a Dispute Notice or accept an amended Dispute Response Form the tribunal will consider
 - a) the stage in the proceeding,
 - b) the nature of the change,
 - c) any prejudice to the parties, and
 - d) any other factors the tribunal considers appropriate.



- 3) Except in extraordinary circumstances the tribunal will not issue an amended Dispute Notice or accept an amended Dispute Response Form after the dispute has entered the tribunal decision process.
- 4) If the tribunal issues an amended Dispute Notice, it will
 - a) provide a copy of the amended Dispute Notice to the applicant and all respondents that have filed Responses,
 - b) direct the applicant to serve the amended Dispute Notice on any respondents that have not filed Responses, and
 - c) allow respondents who have filed Responses to amend those Responses if the amendment to the Dispute Notice is substantive.
- 5) If the tribunal accepts an amended Dispute Response Form, ~~it~~the tribunal will provide a copy of the amended Dispute Response Form to all participating parties.

Rule 1.18 – Refusing to Resolve a Dispute

- 1) Under section 11 of the Act, when determining whether to refuse to resolve a claim or dispute that is within the tribunal’s jurisdiction, the tribunal may consider
 - a) the tribunal’s mandate,
 - b) whether there are related legally binding processes underway,
 - c) the relative impacts on each party ~~of~~if the tribunal ~~refuses~~refuses to resolve the claim or dispute, and
 - d) any other factors the tribunal considers appropriate.

PART 2 - STARTING THE TRIBUNAL PROCESS

Rule 2.1 -- How to Apply for Dispute Resolution

- 1) To request dispute resolution by the tribunal, an applicant must
 - a) provide the tribunal with a completed Dispute Application Form, and
 - b) pay the required fee.
- 2) After an initial review of the Dispute Application Form, the tribunal may ~~provide~~give the primary applicant one of the following:
 - a) a Dispute Notice and directions about what to do next,



- b) a request for more information about the application, or
 - c) an explanation for why a Dispute Notice will not be issued.
- 3) Before applying for a minor injury determination under the tribunal’s motor vehicle injury jurisdiction a person must have
- a) received a decision from the insurer that the insurer’s position is that the injury is a minor injury under the *Insurance (Vehicle) Act*, or
 - b) requested a decision from the insurer about whether the insurer’s position is that the injury is a minor injury under the *Insurance (Vehicle) Act*.
- 4) An application for dispute resolution must not exceed the character limits set out in the Dispute Application Form.

Rule 2.2 -- ~~How to~~When the Tribunal May Serve Respondents a Respondent

- 1) ~~The~~On behalf of an applicant, the tribunal ~~will~~may serve the Dispute Notice and instructions for response ~~on behalf of an applicant~~ on a respondent by regular mail if
- a) the applicant has provided the name and address information required for service by mail,
 - b) the mailing address for the respondent is in Canada, ~~and~~
 - c) the respondent is ~~a person~~an individual, corporation, strata corporation, section of a strata corporation, partnership, society, co-operative association or municipality, ~~and~~
- ~~2) A Dispute Notice and instructions for response served by the tribunal by regular mail are considered received 10 days after the day they are mailed by the tribunal unless~~
- ~~d) the applicant has asked the tribunal to serve the documents.~~
 - ~~a) If the tribunal receives notification that CRT serves~~ the Dispute Notice and instructions for response ~~are received earlier, or~~
- ~~3) 2) on a respondent that is a corporation incorporated in British Columbia, service is effective if the tribunal receives satisfactory information that CRT mails the Dispute Notice and instructions for response were not received by the respondent. documents to~~
- ~~a) the corporation’s registered office; or~~
 - ~~b) the most recent mailing address on file in the Land Title Office, if the respondent is a strata corporation or a section of a strata corporation.~~

Rule 2.3 – When and How an Applicant Must Serve a Respondent

- 1) The tribunal will advise the applicant that the applicant must serve the Dispute Notice and instructions for response if



- a) the applicant does not ~~provide~~give the tribunal ~~with~~ the information ~~required for~~ the tribunal requires to serve the Dispute Notice and instructions for response,
 - b) the tribunal receives satisfactory information that the respondent did not receive the Dispute Notice and instructions for response ~~sent by the tribunal~~ ~~were not received by the respondent, or~~ ~~sent,~~
 - c) the tribunal is unable to~~cannot~~ serve the Dispute Notice and instructions for response for any other reason, or
 - e)d) the applicant chose to serve the documents.
- 2) If the tribunal advises the applicant that the applicant must serve the Dispute Notice and instructions for response, the applicant must
- a) serve the Dispute Notice and instructions for response on every respondent named in the dispute and not served by the tribunal within 90 days from the day the tribunal issues the Dispute Notice ~~is issued by the tribunal~~ by
 - i. a method ~~permitted by~~ these rules permit for serving the type of respondent, or
 - ii. another method ~~ordered by~~ the tribunal orders,
 - b) complete the Proof of Service Form and provide it to the tribunal within 90 days from the day the tribunal issues the Dispute Notice ~~is issued by the tribunal,~~ and
 - c) provide any other information or evidence about the Dispute Notice or service process ~~requested by~~ the tribunal requests.
- 3) The tribunal may refuse to resolve a dispute if
- a) the Dispute Notice and instructions for response are not served on every respondent within 90 days from the day the tribunal issues the Dispute Notice ~~is issued by the tribunal,~~ and
 - b) the applicant has not requested an extension of time for service or withdrawn their claim against any parties not served.
- 4) An applicant can ask the tribunal for more time to serve a respondent by completing the Request for Extension to Serve Form and providing it to the tribunal before the deadline for service has passed.
- 5) Unless otherwise specified in these rules, a Dispute Notice and instructions for response can be served by email, registered mail, courier delivery requiring a signature, ~~or~~ by delivering it~~delivery~~ in person.

Rule 2.3 — How to Serve by Email

{repealed}



Rule 2.4 -- When a Dispute Notice is Considered Served

- 1) A Dispute Notice and instructions for response ~~sent by that~~ the tribunal or an applicant sends by email are considered served only if the respondent acknowledges receipt of the Dispute Notice by
 - a) replying to the email,
 - b) contacting the tribunal to make a request specific to the dispute, or
 - c) otherwise confirming receipt of the Dispute Notice.
- 2) A Dispute Notice and instructions for response that the tribunal serves by regular mail are considered served on the fifteenth day after the tribunal gives the mail to its mail services provider unless:
 - a) the tribunal receives notification that the Dispute Notice and instructions for response are received earlier, or
 - b) the tribunal receives satisfactory information that respondent did not receive the Dispute Notice and instructions for response.
- 3) A Dispute Notice and instructions for response served by registered mail are considered ~~r~~received on the date and time shown on the delivery receipt.
- 4) A Dispute Notice and instructions for response served by courier are considered ~~r~~received at the time and date shown on the signed proof of delivery.
- 5) A Dispute Notice and instructions for response served by delivery in person are considered ~~r~~received at the date and time it is delivered to the respondent.
- 6) Despite these rules, the tribunal may determine that the applicant has served a respondent with a Dispute Notice and instructions for response using another method ~~permitted by~~ the tribunal permits.

Rule 2.5 -- How to Serve Adults with Impaired Mental Capacity and **Children** Minors

- 1) If an applicant knows that a respondent has a committee of estate, a representative appointed in a representation agreement, or an attorney appointed in an enduring power of attorney, the applicant must serve the Dispute Notice and instructions for response on that person and
 - a) the respondent or the person with whom the respondent normally resides, and
 - b) the Public Guardian and Trustee.
- 2) If the tribunal requires an applicant to serve the Dispute Notice and instructions for response on a respondent who is a ~~child~~ minor, the applicant must serve the Dispute Notice and instructions for response on that respondent's parent or guardian ~~unless the tribunal orders otherwise~~.



Rule 2.6 -- How to Serve Strata Corporation or Sections of a Strata Corporation

Respondents

1) This rule applies if the tribunal requires an applicant to serve the Dispute Notice and instructions for response on a respondent that is a strata corporation or section of a strata corporation, as defined in the *Strata Property Act*.

~~1)2)~~ If the respondent is a strata corporation ~~as defined in the *Strata Property Act*~~, a Dispute Notice and instructions for response must be served

- a) by registered mail, courier delivery requiring a signature or delivery in person to the strata corporation at its most recent mailing address on file in the Land Title Office, or
- b) by delivery in person to a council member.

~~2)3)~~ If the respondent is a section of a strata corporation ~~as defined in the *Strata Property Act*~~, a Dispute Notice and instructions for response must be served

- a) by registered mail, courier delivery requiring a signature or delivery in person to the section at its most recent mailing address on file in the Land Title Office, or
- b) by delivery in person to an executive member of the section.

~~3)4)~~ If a strata corporation or a section of a strata corporation is served with a Dispute Notice and instructions for response at its most recent mailing address on file in the Land Title Office, an applicant must also provide a copy of the Dispute Notice and instructions for response

- a) if the claim is against a strata corporation, by delivery in person or regular mail to a member of the strata council or the property manager for the strata corporation,
- b) if the claim is against a section of a strata corporation, by delivery in person or regular mail to a member of the section executive or the property manager for the section of the strata corporation.

Rule 2.7 -- How to Serve Companies, Societies, Co-operative Associations, Partnerships and Others

1) This rule applies if the tribunal requires an applicant to serve a respondent that is a company, extraprovincial company, society, cooperative association, partnership, or municipality. If a respondent is any other type of entity an applicant must follow the tribunal's directions to serve that entity.



1)2) If a respondent is a company as defined ~~by~~in the *Business Corporations Act*, a Dispute Notice and instructions for response must be served

- a) by registered mail, courier delivery requiring a signature or delivery in person to the address shown for the registered office with the Registrar of Companies,
- b) by delivery in person at the place of business of the company, to a receptionist or a person who appears to manage or control the company's business there, or
- c) by delivery in person to a director, officer, liquidator, trustee in bankruptcy or receiver manager of the company.

2)3) If a respondent is an extraprovincial company as defined ~~by~~in the *Business Corporations Act*, a Dispute Notice and instructions for response must be served

- a) by registered mail, courier delivery requiring a signature or delivery in person to the address shown for the head office in the office of the Registrar of Companies if that head office is in British Columbia,
- b) by registered mail, courier delivery requiring a signature or delivery in person to the address shown in the office of the Registrar of Companies for any attorney appointed for the extraprovincial company,
- c) by delivery in person to the place of business in British Columbia of the extraprovincial company, to a receptionist or a person who appears to manage or control the company's business there, or
- d) by delivery in person to a director, officer, liquidator, trustee in bankruptcy or receiver manager of the extraprovincial company.

3)4) If a respondent is a society incorporated under the *Societies Act* or a co-operative association incorporated under the *Co-operative Association Act* a Dispute Notice and instructions for response must be served

- a) by registered mail, courier delivery requiring a signature or delivery in person to the address shown for the registered office with the Registrar of Companies, or
- b) by delivery in person to a director, officer, receiver manager or liquidator of the society or co-operative association.

4)5) If a respondent is a partnership, a Dispute Notice and instructions for response must be served

- a) by registered mail, courier delivery requiring a signature or delivery in person to a partner, or



- b) by delivery in person to the partnership's place of business, to a receptionist or to a person who appears to manage or control the partnership's business there.

~~5)6)~~ If a respondent is a municipality located in British Columbia, a Dispute Notice and instructions for response must be served by providing a copy to the clerk, deputy clerk or a similar official by registered mail, courier delivery requiring a signature or delivery in person.

~~6) If a respondent is any other type of party an applicant must follow the directions provided by the tribunal.~~

Rule 2.8 -- If a Claim is a Result of a Motor Vehicle Accident

- 1) If a claim relates to a motor vehicle accident the tribunal will serve the Dispute Notice and instructions for response by email on the Insurance Corporation of British Columbia (ICBC) to the email address provided by ICBC for service.
- 2) A Dispute Notice and instructions for response ~~served by~~ the tribunal serves on ICBC are considered received 24 hours after ~~it is~~they are sent.
- 3) Service of a Dispute Notice and instructions for response on ICBC are deemed to be service on all respondents unless ICBC ~~contacts~~notifies the tribunal within 7 days of being served ~~to inform the tribunal otherwise that it is not accepting service on behalf of a respondent.~~
- 4) If ICBC does not accept service on behalf of a respondent, the service requirements for non-motor vehicle ~~accidents~~injury claims will apply to the dispute.
- 5) If ICBC accepts service on behalf of a respondent, ICBC must promptly notify the respondent that the tribunal may find them liable in the dispute and if they wish to contest liability then they must start a separate dispute for that purpose.

Rule 2.9 -- If an Applicant has Difficulty Serving a Respondent

- 1) An applicant who has difficulty serving a respondent can ask the tribunal for direction on using another method to satisfy the service requirements by ~~providing to~~sending the tribunal a completed Request for Directions on Service Form.
- 2) An applicant must submit the Request for Directions on Service Form to the tribunal before the deadline for service has passed.



PART 3 - RESPONDING TO A DISPUTE NOTICE

Rule 3.1 -- What to do if you are Served with a Dispute Notice

- 1) A respondent who is served with a Dispute Notice and instructions for response, ~~or a party who is served with a Dispute Notice and instructions for response because of a Counterclaim Form or Third Party Claim Form, must~~ must, within 14 days of receiving them, or if service was outside British Columbia, within 30 days of receiving them
 - a) complete a Dispute Response Form,
 - b) provide the Dispute Response Form to the tribunal and
 - c) pay the required fee.
- 2) The tribunal may extend the deadline for providing a completed Dispute Response Form.

Rule 3.2 - How a Respondent Can Make a Counterclaim

- 1) ~~Unless a case manager or tribunal member directs otherwise, within~~ Within 30 days of providing the Dispute Response Form to the tribunal, a respondent can make a counterclaim against an applicant by
 - a) indicating in a completed Dispute Response Form that the respondent will add at least one claim in the dispute,
 - b) completing a ~~Counterclaim Form~~ Dispute Notice for the counterclaim,
 - c) providing the completed ~~Counterclaim Form~~ Dispute Notice to the tribunal, and
 - d) paying the required fee to add a claim.
- 2) A respondent does not need to make a counterclaim against an applicant if the respondent only wants to claim tribunal fees and dispute related expenses.

Rule 3.3 - How Another Party Can Be Added to a Dispute

- 1) ~~Unless a case manager directs otherwise, a~~ respondent who ~~believes~~ thinks another person is responsible for a claim can make a third party claim against that other person by
 - a) indicating in a completed Dispute Response Form that the respondent will apply for dispute resolution against the other person,
 - b) completing a ~~Third Party Claim Form identifying~~ Dispute Notice for the third party claim that identifies the other person and describing inges any claims against that person,
 - c) providing the ~~Third Party Claim Form~~ Dispute Notice to the tribunal, and



- d) paying the required fee to add a claim.
- 2) A respondent who makes a third party claim must complete the steps for “Starting the Tribunal Process” in Part 2 of these Rules, except
 - a) the time frame for serving the other party is 30 days instead of 90 days and
 - b) the original Dispute Notice and any responses must be served along with the Dispute Notice and instructions for response for the additional claims.

PART 4 - FAILURE TO RESPOND TO A DISPUTE NOTICE

Rule 4.1 - Default

- 1) A party named as a respondent to a dispute who fails to respond to a properly served Dispute Notice and instructions for response within the timeframe provided for in the rules, or who has requested an extension to respond and has not responded by the date shown on the extension, is in default.
- 2) If the tribunal notifies an applicant that no respondent provided a Dispute Response, and the applicant does not request a default decision within 21 days of being ~~requested to~~ notified they may do so, the tribunal may dismiss or refuse to resolve the dispute.

Rule 4.2 - Requesting a Default Decision and Order

- 1) If every respondent has properly been served and has not responded, an applicant can request a default decision and order by
 - a) providing a completed Request for Default Decision and Order form together with supporting evidence of dispute-related expenses and the value of non-debt claims,
 - b) providing a completed Proof of Service Form, if applicable, and
 - c) paying the required fee to request a default decision and order.

Rule 4.3 - Default Decisions and Orders

- 1) ~~Unless the tribunal decides otherwise, when~~ When the tribunal makes a default decision and order, it will
 - a) assume a respondent is liable,



- a) b) determine the value of non-debt claims based on evidence satisfactory to the tribunal, and
 - b) c) resolve the dispute without a respondent's participation.
- 2) In a request for a default decision and order for a debt claim, the tribunal will order payment of
 - a) the amount claimed, and
 - b) applicable interest, claimed tribunal fees and reasonable dispute-related expenses.
 - 3) In a request for a default decision and order for a non-debt claim, the tribunal will determine
 - a) the amount the applicant is entitled to, based on the evidence provided, if the claim is for money, and
 - b) the terms of an appropriate order, in any other case, including applicable interest, claimed tribunal fees and reasonable dispute-related expenses.

PART 5 - CASE MANAGEMENT

Rule 5.1 -- Overview of Case Management

- 1) Case management includes the negotiation, facilitation, and tribunal decision plan preparation phases of the tribunal process.
- 2) During case management parties will receive support from a ~~tribunal officer acting as a~~ case manager.
- 3) The case manager will direct
 - a) processes to be followed, including the types of communication the parties will use,
 - b) steps to be taken, and
 - c) timelines to be followed.
- 4) During case management, a case manager ~~can~~ may use their discretion to refer any matter requiring a decision or order to a tribunal member, including a party's non-compliance with directions.
- ~~5) Except in extraordinary circumstances, a claim under the tribunal's motor vehicle injury jurisdiction for a minor injury determination will only go through the tribunal decision plan preparation phase of case management.~~
- ~~5) [Repealed]~~
- 6) The case manager can ~~adjust or~~ modify the facilitation directions at any time during facilitation.
- 7) In deciding whether to refer any matter to a tribunal member, except for a referral about non-compliance with directions, the case manager will consider whether the referral:



- a) is appropriate and proportional in the circumstances of the dispute,
- b) would facilitate speedy, accessible, inexpensive, informal and flexible resolution of the dispute, and
- c) would potentially end the dispute against one or more respondents, or
- d) encourage early and collaborative dispute resolution.

Rule 5.2 -- Agreements in Negotiation or Facilitation

- 1) If the parties reach a resolution by agreement on any or all of the claims in their dispute, they can make the terms of their agreement an order of the tribunal by
 - a) asking the tribunal to approve a consent resolution or consent dismissal order, and
 - b) paying the required fee.
- 2) In reviewing a request for a consent resolution order or consent dismissal order, the tribunal may consider ~~whether the draft order is~~
 - a) whether the draft order is clear and within the tribunal's jurisdiction ~~of the tribunal, and~~
 - ~~b) clear, and~~
 - ~~c) any other factors the tribunal considers appropriate.~~
- 3) The agreement that is the subject of a requested consent resolution order must set out
 - a) the terms of agreement among the parties, and
 - b) any other information the parties or the case manager think should be included.
- 4) If the agreement involves an adult with impaired mental capacity, the tribunal must review the agreement to ensure that it is fair, reasonable, and in the incapable adult's best interests.
- 5) If the agreement involves a ~~child~~ minor, the provisions of the *Infants Act* apply to the agreement and must be met before the parties request a consent resolution order.
- 6) If the tribunal issues a consent resolution order, it becomes a final decision of the tribunal.
- 7) If the parties agree to resolve some, but not all, claims by agreement, the case manager can record their draft agreement based on the terms agreed upon by the parties, and provide a draft consent resolution order to a tribunal member
 - a) immediately, or
 - b) along with the Tribunal Decision Plan.



Rule 5.3 -- How Facilitation Works

- 1) During facilitation, the case manager can review and approve all communications between the parties before they are delivered.
- 2) A case manager can communicate privately with one party at a time for the purpose of facilitated dispute resolution.
- 3) The case manager can direct any party in a dispute to provide to the tribunal and to every other party
 - a) any information and evidence, including explanations of that information or evidence,
 - b) information about a party's ability to pay an amount reached by agreement or ordered by the tribunal,
 - c) responses to another party's information and communications, and
 - d) that party's position on any proposed resolution of a claim in the dispute.
- 4) At any time during case management, the case manager can
 - a) recommend that a party take steps to add a party to the dispute,
 - b) permit a party to add, revise, or withdraw a claim to the dispute, and
 - c) determine the steps required to add a party or claim, including who should pay any costs associated with those steps.

Rule 5.4 -- End of Agreement-based Activities and Start of Tribunal Decision

Preparation

- 1) If the case manager decides the parties cannot resolve their dispute by agreement, the case manager will
 - a) inform the parties that the facilitation phase is over,
 - b) confirm the claims that are going forward for decision,
 - c) provide directions for the preparation and exchange of expert evidence, if necessary, **and**
 - d) make a recommendation on the hearing format, if necessary, and**
 - d)e)ask the applicant to pay the tribunal decision fee.**
- 2) If the applicant does not pay the tribunal decision fee, a respondent can pay it.
- 3) If no party pays the tribunal decision fee within the time period set by the case manager, the tribunal can
 - a) refuse to resolve the dispute,
 - b) proceed to hear the dispute, or



- c) dismiss the dispute.
- 4) If a party pays the tribunal decision fee, the process to prepare the dispute for a tribunal decision will begin.

Rule 5.5 -- Damages in Motor Vehicle Injury Disputes

- 1) ~~[Repealed]~~
- 2) If a party informs the tribunal, or the case manager identifies, that the damages that will be awarded in a motor vehicle injury dispute may exceed ~~the tribunal limit amount~~ \$50,000, the tribunal may
 - a) set timelines for the parties to submit evidence,
 - b) set timelines for the parties to provide arguments, and
 - c) refer the determination to a tribunal member.
- 3) The tribunal may refuse to resolve a motor vehicle injury dispute about damages if
 - a) it determines, on the basis of satisfactory evidence, that there is a substantial likelihood the total amount of damages, excluding interest and expenses, that will be awarded for a minor injury in an accident claim will exceed \$50,000, or
 - b) it determines that the total amount of damages, excluding interest and expenses, in an accident claim will likely exceed \$50,000.

PART 6 - WITHDRAWAL AND DISMISSAL

Rule 6.1 -- If a Party wants to Withdraw its Claims

- 1) A party can request permission to withdraw one or more of its claims before the end of case management by following the tribunal's ~~directions of the tribunal~~.
- 2) A party can ask the tribunal member for permission to withdraw one or more of its claims after the dispute has been assigned to a tribunal member for adjudication by contacting the tribunal.
- 3) A party who withdraws a claim can only pursue the claim again at the tribunal with the tribunal's permission ~~of the tribunal~~.
- 4) If all claims in a dispute are withdrawn, the tribunal will
 - a) treat the dispute as resolved and close the dispute file, and



- b) ~~only reopen~~ allow a claim in the dispute file to continue only if the tribunal permits the party to pursue a withdrawn claim.
- 5) In considering a request to pursue a withdrawn claim the tribunal may consider
- a) the reason for the withdrawal,
 - b) any prejudice to the other parties,
 - c) whether the limitation period for the claim has expired,
 - d) the tribunal's mandate,
 - e) whether it is in the interests of justice and fairness, and
 - f) any other factors the tribunal considers appropriate.

Rule 6.2 -- If the Parties want the Dispute Dismissed by Consent

- 1) The parties can request a consent dismissal of a dispute at any time before the tribunal resolves the dispute by decision.
- 2) ~~A~~ The tribunal will normally grant a request to dismiss a dispute ~~will normally be granted~~ if it has ~~been agreed upon by~~ all parties into the dispute have agreed to it.
- 3) A person requesting the consent dismissal of a claim relating to personal injuries made by a child minor or an adult with impaired mental capacity must include written consent from the Public Guardian and Trustee for that request.



PART 7 - TRIBUNAL DECISION PREPARATION

Rule 7.1 -- The Tribunal Decision Process

- 1) The tribunal can determine all matters relating to the tribunal decision process, including
 - a) the format and length of the tribunal decision process,
 - b) any instructions and directions required to prepare for, or to complete, the tribunal decision process, and
 - c) any other matter within the tribunal's authority ~~of the tribunal~~.

Rule 7.2 -- Case Manager Support for Tribunal Decision Preparation

- 1) To prepare the dispute for a tribunal decision, a case manager may support the parties in
 - a) identifying and narrowing the claims or issues that will be decided in the tribunal decision process,
 - b) identifying the facts relevant to resolving the claims or issues in the tribunal decision process, and
 - c) taking any other steps to prepare the parties for the tribunal decision process.
- 2) To prepare for the tribunal decision process, the case manager may give the parties directions which set out
 - a) required information, and
 - b) steps, timelines and submission limits to prepare the dispute for the tribunal decision process.

Rule 7.3 -- Tribunal Decision Plan

- 1) The case manager can direct the parties to complete a Tribunal Decision Plan, including directing the parties to
 - a) provide information and evidence relating to any claims or issues,
 - b) provide information and explanations relating to their own or to another party's positions and arguments,
 - c) provide an agreed statement of facts,
 - d) exchange all the information and evidence required by the plan with the other parties,
 - e) respond to any arguments or evidence provided by other parties, and
 - f) complete any of the steps required by the plan by specific dates or within specific timelines.



- 2) For all disputes other than disputes under the tribunal's motor vehicle injury jurisdiction, the default timelines for completing the arguments portion of the Tribunal Decision Plan are
 - a) 7 days for the applicant to provide arguments,
 - b) 7 days for the respondent to respond, and
 - c) 3 days for the applicant to reply.
- 3) For disputes under the tribunal's motor vehicle injury jurisdiction, the default timelines for completing the arguments portion of the Tribunal Decision Plan are
 - a) 10 days for the applicant to provide arguments,
 - b) 10 days for the respondent to respond, and
 - c) 7 days for the applicant to reply.
- 4) ~~Unless the case manager directs otherwise, the~~The timelines for completing the arguments portion of the Tribunal Decision Plan start when the case manager notifies the parties that a timeline is starting to run.
- 5) Unless a claim is for interest or dispute-related fees and expenses, arguments are limited to
 - a) 20,000 characters per claim for an applicant's arguments,
 - b) 20,000 characters per claim for a respondent's arguments, and
 - c) 10,000 characters per claim for an applicant's reply.
- 6) Arguments are limited to 500 characters per claim in
 - a) a claim for contractual or court order interest, or
 - b) a claim for dispute-related fees and expenses in a dispute that is not under the tribunal's strata property or motor vehicle injury jurisdiction.
- 7) Arguments are limited to 10,000 characters for a claim for dispute-related fees and expenses in a dispute under the tribunal's strata property or motor vehicle injury jurisdiction.
- 8) A party may contact a case manager to request an extension to the timeline for completing the Tribunal Decision Plan and to the limit on the length of arguments.
- 9) The tribunal may at any time order that a party be added to the dispute and make directions as to the process to be followed.

Rule 7.4 -- If a Dispute Requires ~~m~~More Facilitation

- 1) If, at any time before or during the tribunal decision process, the tribunal decides that a dispute requires further facilitation, it can
 - a) refer the dispute back to facilitation, and



- b) suspend the tribunal decision process until a case manager refers the dispute back to the tribunal decision process.
- 2) Case management ends when the case manager determines that the Tribunal Decision Plan is complete.
- 3) The tribunal can make a final decision without a Tribunal Decision Plan where all respondents are non-compliant.

PART 8 - EVIDENCE

Rule 8.1 -- Relevant Evidence Must Be Disclosed

- 1) A party must include in the Tribunal Decision Plan all evidence in their possession that may prove or disprove an issue in the dispute, even if the evidence does not support the party's position.

Rule 8.2 -- How to Issue a Summons ~~a Person to Provide Evidence~~

- 1) A party must contact the other person in writing to request the evidence, record, or other thing in that person's control, before issuing a summons.
- 2) If a party requires a person to provide evidence or to produce a record or other thing in that person's control, the party can issue a summons by
 - a) consulting with the case manager,
 - b) completing the summons according to the case manager's directions,
 - c) providing the summons according to the instructions in the Summons Form or the tribunal's directions ~~of the tribunal~~, and
 - d) including with the summons the fees shown on the Summons Form.
- ~~3) If a person does not comply with the summons, or on the tribunal's own initiative, the tribunal may make an order against the person to provide evidence or to produce a record or other thing in that person's control.~~

Rule 8.3 -- Expert Evidence

- 1) ~~Unless the tribunal decides otherwise, a~~ party may ~~not~~ rely on an expert opinion ~~unless only if~~ the party provides the expert's evidence to all other parties



- a) within 21 days of the case manager notifying the parties that facilitation has ended, or
 - b) the deadline set by the case manager or tribunal member.
- 2) An expert must state their qualifications in any written expert opinion evidence.
 - 3) ~~Expert~~The tribunal will only accept expert opinion evidence ~~will only be accepted~~ from a person the tribunal decides is qualified by education, training, or experience to give that opinion.
 - 4) A party providing written expert opinion evidence to the tribunal must provide a copy of the expert's invoice and any correspondence with that expert relating to the requested opinion to every party by the deadline for providing the expert's evidence to all other parties ~~unless the tribunal directs otherwise.~~
 - 5) The tribunal can
 - a) direct a party to obtain expert opinion evidence, or
 - b) direct multiple parties to retain a joint expert to produce expert opinion evidence.
 - 6) If the tribunal is directing a party to obtain expert opinion evidence, it can
 - a) decide who must pay for it, and
 - b) include the cost of that expert opinion evidence as an expense a party is ordered to pay to another party at the end of the tribunal decision process, subject to any limits prescribed by regulation.
 - 7) ~~An~~The role of an expert giving evidence to the tribunal is ~~there~~ to assist the tribunal and not to advocate for any side or party in a dispute.
 - 8) A party wishing to challenge another party's expert or expert evidence must notify the tribunal of the reasons for the challenge as part of their Tribunal Decision Plan arguments.
 - 9) The tribunal may seek clarification of the expert report from the expert without advance notice to the parties.
 - 10) If the tribunal seeks clarification of the report, both the question(s) and the response(s) must be provided in writing and will be disclosed to the parties for arguments.
 - 11) The tribunal may accept an expert's written ~~reports prepared by an expert report~~ without the ~~need for the expert to attend~~attending an oral hearing.

Rule 8.4 -- Limits on Expert Evidence for Motor Vehicle Injury Claims

- 1) In determining whether additional expert evidence is reasonably necessary and proportionate for motor vehicle injury claims the tribunal may consider
 - a) the type of bodily injury or injuries,



- b) the nature of the claim ~~to be decided by~~ the tribunal must decide,
- c) the other evidence available,
- d) the amount claimed,
- e) the timeliness of the request, and
- f) any other factors the tribunal considers appropriate.

Rule 8.5 -- Independent Medical Examinations

- 1) For disputes filed under the tribunal's motor vehicle injury jurisdiction the tribunal may, on the tribunal's own initiative or on the request of a party, order an independent medical examination of the injured party at any point after a dispute response has been filed.
- 2) A party may request that the tribunal order an independent medical examination by
 - a) filling out the Independent Medical Examination Request Form,
 - b) paying the required fee.
- 3) Before ordering an independent medical examination, the tribunal may consider
 - a) the type of bodily injury or injuries,
 - b) the issues in the dispute,
 - c) the extent and nature of existing expert medical evidence,
 - d) the amount claimed,
 - e) the ability of the parties to pay for their own experts,
 - f) whether all parties consent,
 - g) whether the party has failed to attend an expert examination requested by another party, and
 - h) any other factors the tribunal considers appropriate.
- 4) The ~~tribunal~~ Chair may
 - a) create a roster of ~~experts~~ independent health professionals to perform independent medical examinations,
 - b) retain experts from that roster, and
 - c) determine the terms and conditions, including remuneration and reimbursement of expenses, under which an expert may perform an independent medical examination.
- 5) The tribunal must set the terms of reference for the independent medical examination and report in the order appointing the expert, including
 - a) the form and content of the report,



- b) ~~setting~~ any time periods for providing the report,
 - c) ~~setting~~ a fee for the report,
 - d) ~~providing~~ any information or evidence the tribunal wants the expert to consider, and
 - e) the questions to be answered in the report.
- 6) ~~Except with the written consent of all parties, the~~The tribunal ~~must not~~may appoint an expert to provide an independent medical examination only if all parties give written consent, if the expert
- a) has previously examined the injured party,
 - b) is treating or has previously treated the injured party,
 - c) has been consulted in the treatment of the injured party,
 - d) has acted as a consultant to the insurer with respect to the accident,
 - e) is a partner of or practices with an expert described above, or
 - ~~f) appointment could otherwise result in a reasonable apprehension of bias.~~
 - f) could reasonably be viewed as potentially biased.
- 7) If the expert retained to conduct an independent medical examination considers it necessary to examine the party to provide a report, the expert may require the party to attend for an examination by giving the party written notice.
- 8) If a party fails to attend the independent medical examination when requested or obstructs the examination without reasonable cause, the tribunal may, after giving notice to the party who failed to attend or obstructed the examination,
- a) direct the expert to reschedule the examination of the party and give the party notice of the rescheduled examination,
 - b) direct the expert to provide a report without examining the party, or
 - c) find the party ~~to be in non-compliance~~et and decide the dispute without the report.
- 9) The tribunal will give a copy of the expert's independent medical examination report to all parties and the parties will have the opportunity to make submissions to the tribunal about the ~~independent medical examination~~ report.
- 10) The tribunal may seek clarification of the independent medical examination report from the expert without advance notice to the parties.
- 11) If the tribunal seeks clarification of an independent medical examination report, the tribunal will
- a) require the question(s) and the response(s) to be provided in writing and
 - b) disclose the questions and responses to the parties for submissions.
- 12) The tribunal is not bound by an independent medical examination report.



Rule 8.6 -- Costs of Expert Evidence in a Motor Vehicle Injury Dispute

- 1) A party who cannot afford to pay the cost of obtaining expert evidence in a motor vehicle injury dispute may request that the tribunal order an independent medical examination and that another party pay the cost of obtaining the independent medical examination by
 - a) completing the Independent Medical Examination Request Form,
 - b) completing the steps required by the cost waiver section of the Independent Medical Examination Request Form, and
 - c) providing any other information ~~requested by the tribunal~~ requests.
- 2) In deciding a request to order that another party pay the cost of an independent medical examination, the tribunal will consider
 - a) the requesting party's ability to pay, based on the information about that person's financial situation and
 - b) the likelihood that the party's claim will be successful.

Rule 8.7 – Witnesses in Oral Hearings

- 1) If the tribunal orders an oral hearing, a party must produce a witness list containing the names of the witnesses that the party intends to use to provide evidence at the oral hearing, and any other information the tribunal requires about the witnesses ~~required by the tribunal~~.
- 2) Each party will be given 7 days to provide their witness list to the tribunal, ~~unless the tribunal orders otherwise~~.
- 3) Every witness may be required to make a solemn affirmation before giving evidence at an oral hearing.

Rule 8.8 – Orders to Produce Evidence

- 1) If a party wants the tribunal to order a person to produce records that may be in that person's possession or control, the party may ask the tribunal to make an order under section 34 of the Act.
- 2) To request an order, the party must discuss the request with the case manager, who may require the party to submit
 - a) the list of records sought,
 - b) the identity of the person who may have the records,
 - c) contact information for the person, and
 - d) any other information the case manager thinks is relevant.



- 3) Before the tribunal makes an order to produce records, the case manager
 - a) may direct the party to attempt to obtain the records through an alternative process, including a summons under section 33 of the Act or a request under the Freedom of Information and Protection of Privacy Act, and
 - b) may contact the person who may have the records to seek their position on the proposed order.
- 4) Before the tribunal makes an order to produce records, the tribunal will invite submissions regarding the proposed order sought from the person who may have the records and the parties to the dispute.
- 5) As part of an order to produce records, the tribunal may order the party who requests the records to pay any fees the person reasonably incurs to produce the records.

PART 9 - THE TRIBUNAL DECISION PROCESS

Rule 9.1 - Tribunal Hearings

- 1) The tribunal has discretion to decide whether a hearing will be held in writing, orally, or a combination of in writing and orally.
- 2) A written hearing may be conducted by email, electronic submissions, or paper submissions.
- 3) An oral hearing may be conducted by telephone, by videoconference, or in person.
- 4) A tribunal hearing will generally be held in writing ~~unless the tribunal orders otherwise.~~
- 5) In considering whether to hold an oral hearing that is in person, the tribunal may consider whether the nature of the dispute or extraordinary circumstances ~~that~~ make an in-person hearing necessary in the interests of justice.
- 6) ~~Unless the tribunal orders otherwise, to~~To request an oral hearing a party must indicate the reasons for their request in the Tribunal Decision Plan.
- 7) If the tribunal orders an oral hearing it will issue a Notice of Hearing containing:
 - a) the time and date of the hearing,
 - b) how the hearing will be conducted,
 - c) instructions for providing witness lists, and
 - d) any other information the tribunal considers necessary.



Rule 9.2 -- Contact with Tribunal Members

- 1) A party, or representative of a party, must not contact a tribunal member directly about a dispute.
- 2) If a party, or representative of a party, contacts a tribunal member directly about a dispute, the tribunal may
 - a) find the party to be non-compliant if the dispute is ongoing,
 - b) exercise its discretion to refuse to resolve the dispute,
 - c) refuse to resolve future disputes brought by that party, or
 - d) take any other action the tribunal deems necessary.

Rule 9.3 -- Timelines for Final Decisions

- 1) When the Chair assigns a dispute to a member for decision, the tribunal will provide the parties with the name of the member assigned to the dispute and an estimated date for release of the decision.
- 2) In small claims disputes the tribunal will provide any ~~o~~orders resolving the dispute once the time for making a Notice of Objection has passed without the tribunal receiving a Notice of Objection.
- 3) The ~~tribunal~~ Chair may extend the time allowed for providing a final decision and orders resolving the dispute.
- 4) If the tribunal changes the date for providing its final decision and orders, it will notify the parties of the change.

Rule 9.4 -- Final Decisions and Orders

- 1) On request of a party or on the tribunal's own initiative, the tribunal will take reasonable steps to protect the privacy of non-parties and will use initials in place of full names or use other descriptions where the tribunal considers it appropriate to do so.
- ~~2) [repealed]~~
- 2) In considering how to protect the privacy interests of parties and non-parties, the tribunal will also consider the CRT Access to Information and Privacy Policy.
- 3) An order for a party to pay money to another party that is a ~~child~~minor can include a requirement to make the payment to
 - a) the Public Guardian and Trustee on behalf of that ~~child~~minor, or
 - b) a trustee appointed under section 179 of the *Family Law Act*.
- 4) An order for a party to pay money to a party who is a person with impaired mental capacity can include a requirement



- a) to make the payment to the committee of estate, the representative appointed in a representation agreement, or the attorney appointed in an enduring power of attorney, for that person,
- b) to make the payment to the party's legal representative, or
- c) if there is no committee of estate, representative appointed in a representation agreement, or attorney appointed in an enduring power of attorney for that person, to make the payment to the Public Guardian and Trustee.

Rule 9.5 -- Recovery of Fees and Expenses

- 1) If a dispute is not resolved by agreement, and a tribunal member makes a final decision, the unsuccessful party ~~will usually be required to~~ must pay the successful party's tribunal fees and reasonable dispute-related expenses ~~unless the tribunal member decides otherwise.~~
- 2) A final decision or order can also include a requirement for one party to pay to another party in the dispute ~~some or all of~~
 - a) any tribunal fees paid by the other party in relation to the dispute,
 - b) any fees and expenses paid by a party in relation to witness fees and summonses, and
 - c) any other reasonable expenses and charges that the tribunal considers directly related to the conduct of the tribunal process.
- 3) The tribunal will not order one party to pay to another party any fees charged by a lawyer or another representative in the tribunal dispute process ~~unless, except the tribunal has the discretion to make such an order if~~
 - a) the dispute is under the tribunal's motor vehicle injury jurisdiction, or
 - b) the dispute is under another area of the tribunal's jurisdiction, and the tribunal determines that there are extraordinary circumstances which make it appropriate to order one party to pay to another party fees charged by a lawyer or other representative.
- 4) To determine whether, ~~and to what degree, to order a party must pay the~~ fees ~~charged by that~~ a lawyer ~~or other representative be paid by one party~~ charged to another party, the tribunal may consider
 - a) the complexity of the dispute,
 - b) the degree of involvement by the representative,
 - c) whether a party or representative's conduct has caused unnecessary delay or expense, and
 - d) any other factors the tribunal considers appropriate.



- 5) Except in extraordinary circumstances, the tribunal will not order one party to pay another party compensation for time spent dealing with the tribunal proceeding.

PART 10 - REQUESTS FOR CANCELLATION OF FINAL DECISIONS OR ORDERS MADE UPON DEFAULT OR NON-COMPLIANCE

Rule 10.1 -- When a Party May Request Cancellation

- 1) A party may ~~requestask~~ the ~~cancellation of tribunal to cancel~~ a final decision or order that was made when that party was in default or ~~failed to comply with the Act, rules or regulations~~non-compliant by
 - a) completing and submitting the Request for Cancellation of Final Decision or Dismissal Form,
 - b) providing a completed Dispute Response Form if one has not already been provided to the tribunal,
 - c) providing evidence to support their request,
 - d) paying the required fee, and
 - e) following any other directions ~~provided by~~ the tribunal provides.
- 2) ~~Unless the tribunal orders otherwise, a~~ party requesting cancellation of a final decision or order that was made when that party was in default or ~~failed to comply with the Act, rules or regulations~~non-compliant must apply to cancel the decision or order within 28 days after the party is considered to have received notice of the decision or order.

Rule 10.2 -- What the Tribunal Will Consider on a Request for Cancellation

- 1) In reviewing the request for cancellation, a tribunal member will consider whether
 - ~~a) whether the reason for default or non-compliance was due to an accident, illness or other cause beyond the control of the party making the request,~~
 - ~~b) whether the party making the request was acting in good faith,~~
 - ~~c) evidence supporting the request,~~
 - a) whether the requesting party's failure to respond to the Dispute Notice or to not comply with the Act, rules or regulations was willful or deliberate;



~~b) the request was made as soon as reasonably possible after the requesting party learned about the default decision and order; and~~

~~d)c) the Dispute Response Form shows a defence that has merit or is at least worth investigating, and~~

~~e) if there is any delay in submitting the request for cancellation, the reason for that delay, along with evidence for the delay.~~

~~2) Generally, the tribunal will not cancel a final decision or order that was made when a party was in default or failed to comply with the Act, rules or regulations, if the reason for non-compliance or any delay was within the control of that party.~~

2) The requesting party has the burden to provide sufficient evidence on the factors above.

Rule 10.3 -- What Happens if a Decision and Order are Cancelled

- 1) If the tribunal cancels the decision and order ~~are cancelled~~, the tribunal will
 - a) accept the Dispute Response Form as a Dispute Response,
 - b) provide the Dispute Response to all parties, and
 - c) provide further direction to the participating parties ~~for resolution of~~ to resolve the dispute.
- 2) If the tribunal decides that not all of the respondents who are in default have established that the decision and order should be cancelled against them, the tribunal may find those respondents non-compliant and proceed with the dispute resolution process without the participation of the non-compliant respondents.

PART 11 - NOTICE OF OBJECTION

Rule 11.1 – Notice of Objection

- 1) To object to a tribunal small claims decision a party must, within 28 days of receiving a Notice of Final Decision, submit a completed Notice of Objection Form to the tribunal and pay the required fee.
- 2) A party may not submit a Notice of Objection for a tribunal small claims decision that was made when that party was non-compliant or in default.



- 3) Once a Notice of Objection Form has been submitted, the tribunal will provide the parties with a copy of the Notice of Objection Form and a Certificate of Completion indicating that the parties have completed the tribunal's process.

PART 12 - TRIBUNAL INFORMATION AND DOCUMENTS

Rule 12.1 -- Public Requests for Information

- 1) ~~Public~~The CRT Access to Information and Privacy Policy governs public requests for information and access to records ~~are governed by the CRT Access to Information and Privacy Policy.~~
- 2) A person who wants to know the names of parties, or any other information in a tribunal dispute that is not already publicly available through the tribunal or another public website, can ask the tribunal for that information by
 - a) completing the Public Information Request Form, and
 - b) paying the required fee.
- 3) In reviewing a public information request the tribunal
 - a) must consider whether the person making the request can obtain the information ~~can be obtained by the requestor~~ from another publicly available source,
 - b) must consider the privacy of any person whose information might be the subject of the request,
 - c) must maintain confidentiality of settlement discussions in all open or closed tribunal disputes, unless otherwise required by law,
 - d) must consider the interests of justice and fairness, both for the person making the request and for any person whose information would be disclosed,
 - e) can redact any part of the information it decides to ~~provide to the requestor~~disclose, and
 - f) can make an order setting out any limitations on the use or handling of any information it chooses to ~~release~~disclose.
- 4) The tribunal can require a party to pay fees for obtaining copies of information or records from the tribunal.



- 5) A tribunal member can, at any time, order that some or all information in a dispute be sealed or redacted.
- 6) ~~Unless~~If the tribunal ~~orders otherwise, medical and employment receives~~ information or evidence ~~submitted to the tribunal by~~related to a party's health or employment status from a party or through an independent medical examination, ~~the tribunal~~ will not ~~be disclosed~~disclose it to a ~~person or organization that is not a~~any non-party to the dispute or ~~used~~use it for any purpose ~~other than one related~~unrelated to the ~~tribunal~~ dispute.

Rule 12.2 -- Conversion of Evidence, Information, Records and Other Information

- 1) The tribunal can
 - a) convert evidence, information, records and other data into an electronically or digitally stored format,
 - b) deem the converted evidence, information, records or other data as an accurate representation of the information contained in the original, and
 - c) return or dispose of the original form of the evidence, information, record or data after it has been converted.

Rule 12.3 -- Validated Copies of Tribunal Documents

- 1) ~~A~~The tribunal ~~officer~~ can validate a record or other document by
 - a) including text on a copy of the document saying it is validated, and
 - b) including a signature on a copy of the document.
- 2) ~~A~~The tribunal ~~may use an electronic~~ signature ~~on~~to validate a ~~validated~~validated record or other document ~~produced by the tribunal can be applied electronically.~~
- 3) A person who wants to obtain a validated copy of a tribunal record or other document must
 - a) provide the information required for the request, and
 - b) pay the required fee.



GLOSSARY

Some terms from the *Civil Resolution Tribunal Act* have been simplified in these rules. The following glossary is intended to be used for convenience and reference only.

“Accident claim” in the ~~CRT~~ Act is the same as “motor vehicle injury” in the rules.

“*Civil Resolution Tribunal Act*” ~~in the CRT Act~~ is the same as “~~CRT~~ Act” in the rules.

“Default” in the rules refers to a situation where a party does not comply with section 7(2) of the ~~CRT~~ Act.

“Initiating notice” in the ~~CRT~~ Act is the same as “Dispute Notice” in the rules.

“Initiating party” in the ~~CRT~~ Act is the same as “applicant” in the rules, or a respondent who wants to make a counterclaim or third party claim under the rules.

“Request for tribunal resolution” in the ~~CRT~~ Act is the same as “Dispute Application” in the rules.

“Responding party” in the ~~CRT~~ Act is the same as “respondent” in the rules.

“Hearing” in the ~~CRT~~ Act is the same as “tribunal decision process” in the rules.

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