



Civil Resolution Tribunal

Request to Cancel a Decision or Order



A party may ask the Civil Resolution Tribunal (CRT) to cancel a final decision or order only if the decision or order was made when that party was in default or non-compliant. If you disagree with a CRT decision and you were not in default or non-compliant, visit <https://civilresolutionbc.ca/how-the-crt-works/how-the-process-ends> to learn what your options are.

The relevant sections of the *Civil Resolution Tribunal Act* (CRTA) and CRT Rules are attached to this form. When deciding whether to cancel the decision or order, the CRT will consider:

- whether the non-compliance or default was willful or deliberate,
- if the party requested cancellation as soon as reasonably possible after the party learned about the decision and order, and
- whether the party's proposed Dispute Response Form shows a defence that has merit or is at least worth investigating.

Instructions

- If not using a computer to complete the form, please print clearly. Fields marked with an asterisk * are required.
- There is a \$50 fee for this Request. On receipt of your Request, CRT staff will contact you with instructions for payment of that fee. If mailing the form, attach a cheque or money order payable to "Minister of Finance".
- If you haven't already done so, complete and provide your completed Dispute Response form with this Request to Cancel. You must also submit your evidence supporting the cancellation request.
- Send this form to the CRT by email, mail, or fax. Or include it with other forms you send us.

Email: Hearings@crtbc.ca

Fax: 1-250-356-6552

Mail: PO Box 9239 Stn Prov Govt

Victoria BC V8W 9J1

Personal Information and Privacy Notice

Your personal information is collected for the purpose of a CRT dispute resolution process, under the *Civil Resolution Tribunal Act* and the CRT's Rules. See our policy on [access to records](#) and information in CRT disputes. If you have any questions about the collection of your personal information, please contact us:

Email: RSC@crtbc.ca

Fax: 1-250-356-6552

Mail: ATTN: Registrar and Executive Director

PO Box 9239 Stn Prov Govt

Victoria BC V8W 9J1



Request Form			
* CRT Dispute Number (eg., SC-2017-000001)		* Decision Date	
* Your Full Name			
* Address (Street or PO Box)			Unit
* City	* Province/State	* Postal/Zip Code	Country (if other than Canada)
* Daytime Phone		* Email address	
If you're not the party requesting the cancellation, what is that party's name? <i>This must match the party name in the Decision</i>			
If you're not the party requesting the cancellation, what is your relationship to them? <i>Note that "you" in the following questions refers to the party requesting cancellation</i>			
* When did you:			
(a) learn that there is a decision and order against you?		How?	
(b) receive a copy of the Dispute Notice?		How?	
(c) find out about the dispute?		How?	



* Why did you fail to respond to the Dispute Notice within the required timeframe or fail to comply with the CRTA, rules or regulations?

You may attach a separate document if more space is required (maximum 7,000 characters)

* List the evidence you have that supports your request (for example, “Doctor’s note”).

You must submit the evidence in support of your Request to Cancel a Decision or Order to the CRT with your completed Request form.

* I confirm that:

- (If applicable)* I have attached a completed Dispute Response form. (If the CRT decides to cancel the decision and order, your Response will be accepted and filed in the dispute.)
- I understand that under section 92 of the *Civil Resolution Tribunal Act*, a person who provides false or misleading evidence or other information in a CRT proceeding commits an offence and is liable on conviction to a fine of \$10,000 or imprisonment for a term not longer than 6 months, or both.

* Signature:

* Date signed:



CIVIL RESOLUTION TRIBUNAL ACT:

Cancellation of final decision or dismissal order under section 36

- 37** (1) If, under section 36 [*referral to tribunal for non-compliance*], the tribunal makes
- (a) a final decision following a hearing, or
 - (b) a dismissal order respecting a claim of the non-compliant party,
- that party may request that the tribunal cancel the final decision or order.
- (2) A request under this section must be made in accordance with the rules and with payment of any applicable fee.
- (3) The tribunal may, in accordance with the rules, order that the final decision or dismissal order is cancelled if satisfied that the circumstances established by the rules apply, in which case the dispute is to be resolved by continuing the tribunal proceeding.
- (4) If a final decision is cancelled under this section, the order giving effect to the final decision is cancelled.

Cancellation of final decision or dismissal order made in absence of party

- 53** (1) If, under section 52 [*tribunal may hear or dismiss claims or dispute if party does not participate*], the tribunal makes
- (a) a final decision following a hearing, or
 - (b) a dismissal order respecting a claim of the non-participating party,
- that party may request that the tribunal cancel the final decision or order.
- (2) A request under this section must be made in accordance with the rules and with payment of any applicable fee.
- (3) The tribunal may, in accordance with the rules, cancel the final decision or dismissal order if satisfied that the circumstances established by the rules apply, in which case the dispute is to be resolved by continuing the tribunal proceeding.
- (4) If a final decision is cancelled, the order giving effect to the final decision is cancelled.

PART 10, CIVIL RESOLUTION TRIBUNAL RULES, as of May 1, 2021:

Rule 10.1 -- When a Party May Request Cancellation

- 1) A party may ask the tribunal to cancel a final decision or order that was made when that party was in default or 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 the tribunal provides.
- 2) A party requesting cancellation of a final decision or order that was made when that party was in default or 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) the requesting party's failure to respond to the Dispute Notice or to 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 decision and order, and
 - c) the Dispute Response Form shows a defence that has merit or is at least worth investigating, in the case of a default decision.
- 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, 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 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.