CRT Complaints Policy

Complaints About the CRT Process, Staff, and Tribunal Members

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Feedback

The CRT anonymously surveys people who have gone through the tribunal process. We use this feedback to improve the way we serve the public. If you have gone through the CRT process and would like to participate anonymously complete the participant survey. Or you may send your feedback by email to feedback@crtbc.ca

Formal Complaints

If you want to make a **formal** complaint, we want to ensure that you are heard and take appropriate actions, if necessary, to address your concerns.

Use the CRT's Complaint Form to submit a formal complaint about:

- The Civil Resolution Tribunal (CRT) process for your claim
- The conduct of an employee that you interacted with
- The conduct of a tribunal member

Before submitting a complaint about a tribunal member, please read the CRT's Code of Conduct for Tribunal Members. The CRT will generally not investigate formal complaints made anonymously.

If you don't agree with a CRT decision

If you disagree with the tribunal member's analysis or the decision's outcome, that is not a complaint for the CRT to investigate. Rather, if you don't agree with a CRT final decision, you can apply to the BC Supreme Court for "judicial review". This is when you ask the court to review if the CRT's decision was reasonable or correct. Learn more about judicial review.

If you don't agree with a CRT default decision visit civilresolutionbc.ca to learn about your options. If you don't agree with a decision about non-compliance, visit civilresolutionbc.ca.

Filing a formal complaint

How do I file a complaint?

Fill out the CRT's Complaint Form.

What happens after I file a complaint?

1. The CRT will contact you within 5 business days. We'll confirm that we received your form and let you know what will happen next.

2. Depending on the type of complaint, it will be reviewed by a senior employee, a CRT vice chair, or the CRT chair.

    - Complaints about the CRT process will be reviewed by a director or the executive director.
    - Complaints about an employee will be reviewed by the employee's supervisor, manager, or director.
    - Complaints about a tribunal member or vice chair will be reviewed by a CRT vice chair or the chair.

3. The CRT will address complaints about tribunal members or vice chairs following the process set out in Appendix A of this policy. The CRT will usually not investigate the complaint until any CRT dispute involving the complainant is completed. This is so the investigation doesn't impact the tribunal member or vice chair's independence and neutrality.

4. For complaints about the CRT process or a CRT employee, the CRT will review your complaint and investigate if appropriate. An investigation will usually include discussing the matter with the employee or tribunal member involved. We may contact you for more information about your complaint.

    A review or investigation usually takes 30-60 days. Once completed, the CRT will contact you to tell you the outcome of the review and investigation.

If you have questions about the status of your complaint, contact feedback@crtbc.ca.

What if I'm not satisfied with the outcome of my complaint?

If someone other than a director, the executive director, a vice chair, or the chair handled your complaint, you can ask that the CRT reconsider your complaint. Send your request to feedback@crtbc.ca. Within 5 business days we'll confirm that we received your request. Within 60 days we'll tell you the outcome of the reconsideration.

If you aren't satisfied with the outcome of your complaint you may contact:

The Office of the Ombudsperson
PO Box 9039 Stn Prov Govt
Victoria, B.C. V8W 9A5

Telephone: 1-800-567-3247 (toll-free)
Fax: (250) 387-0198 (Victoria)
www.bcombudsperson.ca

Appendix A: Complaints About Tribunal Members

1. CRT members are held to high standards of conduct, as specified in the Code of Conduct for Tribunal Members.

2. As specified in *Civil Resolution Tribunal Act* section 1(1), "tribunal members" includes vice chairs. This policy applies to full time, part time, and temporary tribunal members (members).

3. This process applies to complaints made by any participant in a CRT dispute, CRT staff or members, a member of the public, or an organization.

4. A complaint must be about a member's conduct which is believed to be contrary to the Code of Conduct. Conduct-related complaints can stem from the member's CRT work, or from their personal life if it potentially brings the CRT's reputation into disrepute. For that reason, the chair may decide that the investigation will include matters in the member's personal life outside their CRT work.

5. Generally, complaints by dispute parties about the following concerns can be addressed by the BC Supreme Court through judicial review, so the CRT will not investigate them. This includes:

    a. Any procedural or other decision by a member in their capacity as decision-maker.

    b. How a member exercises their adjudicative discretion.

    c. An allegation of bias related to any specific decision or set of decisions.

6. A complaint about member conduct will be reviewed by the CRT's vice chair registrar and operations (VCRO). If the VCRO determines that the complaint falls within the scope of complaints set out in paragraph 5 above, the VCRO will forward the complaint to the CRT chair.

7. The CRT does not accept anonymous complaints as a matter of practice, consistent with the principles of procedural fairness. However, at their discretion, the chair may investigate an anonymous complaint if the circumstances warrant.

8. If the VCRO forwards a complaint to the chair, the chair will review the complaint and determine how to proceed, consistent with Code of Conduct paragraph 2.9. Options include:

    a. Dismissing the complaint, with reasons provided to the complainant.

    b. Informally resolving the complaint through a mutual agreement between the CRT and the complainant. The chair may involve the member in this agreement at their discretion.

    c. Investigating some or all of the allegations raised in the complaint and making a written decision about whether the allegations are proved.

9. The chair will, if the allegations in the complaint are not considered frivolous or vexatious, make whatever inquiries or investigations the chair determines are necessary. The chair may, if appropriate, report the results and any steps taken to the person who made the report.

10. The chair or VCRO will notify the member about any complaint against them, except anonymous, frivolous, or vexatious complaints that are not being investigated. The chair may notify the member about these non-investigated complaints at their discretion, and will not do so if it could impede the member's adjudicative independence.

11. If the chair decides an investigation is appropriate, the chair may conduct their own investigation. The chair may also appoint a qualified person to investigate and provide a written or verbal report on their findings.

12. All investigations are confidential, apart from the complainant, the VCRO, the vice chair quality assurance, and anyone the chair decides should appropriately be involved in order to properly investigate. All investigations will be consistent with the principles of procedural fairness.

13. The member being investigated will have a full opportunity to respond to the complaint. This will include an opportunity to speak to the investigator, review and respond to all evidence provided in the investigation, and review and respond to any investigation reports.

14. A member may be represented by a lawyer in an investigation or may request permission from the chair to be represented by another appropriate person. A member may not be represented by a CRT staff member or another tribunal member.

15. Once the investigation is complete, the chair will decide whether the member breached the Code of Conduct. The chair will provide a copy of their written reasons to the complainant and to the member. These documents will be placed in the member's CRT personnel file.

16. Following an investigation, the chair will decide whether further action should occur to resolve the complaint or address any established Code of Conduct breach.

17. As stated in section 2.9 of the Code of Conduct, the complaint's outcome or a member's refusal to follow the action directed by the chair to resolve the complaint may be a factor in the member's reappointment or could lead to recission of appointment under CRTA section 74.