



Civil Resolution Tribunal

INTIMATE IMAGE PROTECTION ORDER RULES

effective February 20, 2024



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PART 1 - GENERAL RULES

Rule 1.1 – What do these rules apply to?

- 1) These rules are called the Intimate Image Protection Order Rules, and they only apply to two types of Civil Resolution Tribunal (CRT) claims. The first is a claim for an intimate image protection order under section 5 of the *Intimate Images Protection Act*. The second is a claim for an administrative penalty under section 16 of the *Intimate Images Protection Act*.
- 2) These rules do not apply to claims for damages under section 6 of the *Intimate Images Protection Act*. The [Standard Rules](#) apply to claims for damages under section 6 of the *Intimate Images Protection Act*, as well as to all other claims within the CRT's legal authority.
- 3) The CRT may interpret these Intimate Image Protection Order Rules in a different way than how it interprets the Standard Rules.

Rule 1.2 – How are these rules organized?

- 1) These rules are written in the order that they will usually apply. Not every rule will apply to every dispute.
- 2) These rules are set out in the following sections:
 - a) Part 1 is this part, and it contains introductory and general rules,
 - b) Part 2 contains rules about participation, roles and responsibilities during the CRT process,
 - c) Part 3 contains rules about timelines, and how they work at the CRT,
 - d) Part 4 contains rules about how to make a claim,
 - e) Part 5 contains rules about serving respondents with CRT claims,
 - f) Part 6 contains rules about responding to a claim,
 - g) Part 7 contains rules about default decisions, if a respondent does not respond to a claim,
 - h) Part 8 contains rules about case management,
 - i) Part 9 contains rules about withdrawing claims,
 - j) Part 10 contains rules about evidence,
 - k) Part 11 contains rules about the tribunal decision process,



- l) Part 12 contains rules about asking the CRT to cancel an intimate image protection order,
 - m) Part 13 contains rules about asking the CRT to cancel an administrative penalty, and
 - n) Part 14 contains rules about privacy and access to CRT records.
- 3) At the end of these rules is a glossary, which explains the meaning of some terms used in these rules.

Rule 1.3 – What is the purpose of these rules?

- 1) These rules emphasize fairness and access to justice. They are meant to help the CRT and parties resolve disputes at the CRT. The CRT can waive or vary the application of a rule or timeline to help achieve a fair, affordable, and efficient resolution of a dispute. When deciding a claim for an intimate image protection order, the CRT will consider the potential for an expedited order to mitigate harm.
- 2) These rules must be applied in a way that:
 - a) Recognizes and accommodates the unique needs of participants,
 - b) Recognizes the relationship between the participants, which may include power imbalances, domestic violence, or other forms of control and abuse,
 - c) Recognizes the importance of making timely decisions to reduce further harm to people who have had an intimate image of them distributed without their consent,
 - d) Is appropriate in the circumstances of each dispute, including considering fairness and proportionality, and
 - e) Recognizes any relationships between participants that will likely continue after the CRT proceeding has concluded.
- 3) These rules are meant to guide parties, participants and representatives through the CRT process. Parties are applicants and respondents to the CRT proceeding. Participants are parties who are participating in the CRT process, as well as people who are not parties but are also participating in the process. A representative is someone who has authority to speak to the CRT on a participant's behalf.



Rule 1.4 – What are the official versions of the CRT’s forms?

- 1) The CRT has forms for different parts of its processes. Generally, these forms are available on the CRT’s website and through the CRT’s online portal. The CRT also has paper versions of its forms. The official versions of CRT forms are:
 - a) The electronic versions of forms the CRT provides, and
 - b) The paper versions of forms the CRT authorizes.

Rule 1.5 – If disputes have common parties or issues, will the CRT resolve them together?

- 1) At any time during its process the CRT can link or separate disputes that have common parties or issues.
- 2) The CRT may conduct joint case management or tribunal decision preparation activities for linked or separated disputes.
- 3) The CRT may assign related disputes to the same tribunal member.

PART 2 – PARTICIPATION, ROLES AND RESPONSIBILITIES

Rule 2.1 – What kind of contact information does the CRT require?

- 1) Every party, participant, and representative of a party must:
 - a) Create, or have access to, a CRT account to access the CRT’s online services, and
 - b) Provide contact information requested by the CRT, including an email address.
- 2) The CRT will usually send communications electronically. If a party or participant is represented, the CRT will usually send communications to the representative and not to the party. However, the CRT may contact the party directly if the representative stops responding to CRT communications.



Rule 2.2 – Can a participant be represented or have help with the CRT process?

- 1) A participant can usually participate in the CRT process on their own, or with the assistance of a representative or helper. In some cases, a participant will be required to have a representative.
- 2) A representative is someone who has authority to speak to the CRT on a participant's behalf. This could be a lawyer, or another trusted adult. Participants do not need permission to be represented by a lawyer. Sometimes, they will need CRT permission to be represented by a trusted adult who is not a lawyer. If a person wants to be represented by someone other than a lawyer, they must fill out the Representative Request Form and provide any required information about the person that they are requesting to be represented by. Whether or not they need CRT permission to be represented will depend on the type of application. A represented participant must be fully informed during the CRT's process. By choosing a representative, the participant has authorized them to act on their behalf.
- 3) At any time during the CRT's process, the CRT may restrict the representative's participation if the CRT finds it appropriate to do so.
- 4) A helper is someone who gives a participant support. Unlike a representative, a helper cannot speak to the CRT on their behalf. This could be moral, emotional, or technical support. For example, a helper could be someone like a trusted friend, family member, or someone from the community.

Rule 2.3 – What is a litigation guardian, and how does someone ask to act as a litigation guardian?

- 1) In some situations, these rules say that an individual must have a litigation guardian. A litigation guardian is an adult who represents a person who has impaired mental capacity. A litigation guardian is a substitute decision-maker for the person they represent. A person who wants to act as a litigation guardian must provide a completed Intimate Image Litigation Guardian Form to the CRT.
- 2) The CRT may refuse to allow a person to act as litigation guardian, or restrict or remove a litigation guardian who has been previously approved, if:
 - a) No litigation guardian is needed,
 - b) The litigation guardian is unable or unwilling to continue,



- c) A more appropriate person seeks to be litigation guardian,
- d) The litigation guardian has a conflict of interest, or
- e) The CRT otherwise determines that the person should not be permitted to act as litigation guardian.

Rule 2.4 – How can an individual who is 19 or older participate?

- 1) An individual who is 19 or older can participate in the CRT process on their own. They can also be represented by a lawyer or another trusted adult. An applicant does not need the CRT's permission to be represented if they are applying for an intimate image protection order. If an individual is a respondent, or an applicant in a claim other than for an intimate image protection order, they will need the CRT's permission to be represented by someone other than a lawyer. The CRT will consider whether it is in the interests of justice and fairness for the person to be represented, and whether the proposed representative is appropriate.
- 2) An individual who is 19 or older with impaired mental capacity must participate in the CRT process through a litigation guardian.

Rule 2.5 – How can a person who is under 19 participate?

- 1) How a person who is under 19 can participate in the CRT process will depend on the type of claim, and what the person's role is.
- 2) If an applicant in a claim for an intimate image protection order is 14 or older, they can participate on their own without needing a representative. They can also be represented by an adult they have a trust-based relationship with. If they are 12 or 13 they must be represented by an adult they have a trust-based relationship with. If they are under 12 they must be represented by a litigation guardian.
- 3) If an applicant in a claim for an intimate image protection order is under 19 and has impaired mental capacity, they must participate in the CRT process through a litigation guardian.
- 4) If a respondent or affected person in a claim for an intimate image protection order is under 19, they must participate in the claim through a litigation guardian.



- 5) If an applicant or respondent in a claim for an administrative penalty is under 19 they must participate through a litigation guardian.

Rule 2.6 – How do organizations participate in the CRT process?

- 1) A corporation, partnership, or other form of organization can participate in the CRT process through a person who has authority to act for or represent the organization. This person must have authority to bind the organization at all stages of the CRT process. For example, this could be an owner, director, officer, or authorized employee.
- 2) An organization can be represented by a lawyer without needing CRT permission. An organization will need the CRT's permission to be represented by someone other than a lawyer. The CRT will consider whether it is in the interests of justice and fairness for the organization to be represented, and whether the proposed representative is appropriate.

Rule 2.7 – What rules are there about participation and conduct?

- 1) All participants, representatives, and helpers must comply with the CRT's [Code of Conduct](#) for Parties, Representatives, and Helpers.
- 2) Every party, participant, and representative of a party must:
 - a) Avoid inappropriate access to or use of their contact methods for CRT communications,
 - b) Closely monitor and use their contact methods for CRT communications until the dispute is fully resolved, and
 - c) Notify the CRT immediately if their contact methods for CRT communications change.
- 3) All participants, parties, and representatives in a CRT proceeding must participate in the CRT's processes as required, and follow the directions that tribunal members, case managers, and other CRT staff provide.
- 4) A person must not record a case management discussion or oral hearing unless the CRT gives them permission to do so.



Rule 2.8 – What does it mean if a participant, party or representative is non-compliant?

- 1) It is important for parties, participants, and representatives to follow the CRT process. If a party does not follow the CRT process, the CRT may decide that they are “non-compliant”. The CRT may also decide a party is non-compliant if their representative does not follow the CRT process.
- 2) The CRT may find a party non-compliant if they do not comply with:
 - a) The [Civil Resolution Tribunal Act](#) or the related regulations,
 - b) The CRT’s rules, or
 - c) An order made during the case management phase.
- 3) To decide what to do when a party is non-compliant the CRT will consider:
 - a) Whether an issue raised by a claim is important to persons other than the parties,
 - 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 CRT’s order addressing the non-compliance, and
 - e) The effect of the non-compliance on the CRT’s resources and mandate.
- 4) If the CRT decides that a party is non-compliant, the CRT may make a decision without that party’s participation. If the non-compliant party is the applicant, this may include the CRT refusing to resolve or dismissing their claims.

PART 3 –TIMELINES

Rule 3.1 – How do timelines work at the CRT?

- 1) The CRT process will usually move quickly. On a party or participant’s request or on its own initiative, the CRT can extend or shorten any timeline. The CRT can also pause the tribunal process and resume it at a future date.
- 2) If a party or participant asks to extend or shorten a timeline, or to pause the tribunal process, the CRT may consider:



- a) The reason for the request,
 - b) Whether all parties or participants agree,
 - c) The impact on the parties or participants, including any potential increase in harm to a person who has had their intimate image shared without their consent,
 - d) Whether there have been previous delays in the tribunal process, and the reasons for those delays,
 - e) The CRT's mandate, and
 - f) Any other factors the CRT considers appropriate.
- 3) If a deadline set by the CRT falls on a weekend or statutory holiday, the deadline will be the next business day.

Rule 3.2 – If the CRT sends communications, when are they considered received?

- 1) The CRT will usually send communications by email, but the CRT can use other electronic methods or regular mail.
- 2) If the CRT sends communications by email or using another electronic method such as text message or direct message, the communications are considered received 24 hours after the CRT sends them.
- 3) If the CRT sends communications by regular mail, the communications are considered received 15 days after the CRT gives the item to its mail services provider, BC Mail Plus.
- 4) Rule 3.2 does not apply to Notices of Application. The rules about when a Notice of Application is considered served are set out below under Part 5 - Service.

PART 4 - STARTING THE TRIBUNAL PROCESS

Rule 4.1 – How does the CRT process start?

- 1) The CRT process usually begins with the Solution Explorer. The Solution Explorer is the CRT's online legal expert system, which gives people free legal information and self-help tools. After using the Solution Explorer, an applicant can fill out an application form. If the application is accepted, the CRT will issue a document called a Notice of Application. There are two types of Notice of Application under these rules:



- a) The first type is called a “Notice of Application - Intimate Image Protection Order”. This is issued after a person applies for an intimate image protection order.
- b) The second type is a “Notice of Application - Administrative Penalty”. This is issued after a person asks the CRT to order someone to pay an administrative penalty for failing to comply with an intimate image protection order. The intimate image protection order can be from the CRT or the court. An administrative penalty is like a fine, which must be paid to the BC Government.

Rule 4.2 – How does an applicant request an intimate image protection order?

- 1) To request an intimate image protection order, an applicant must complete an Intimate Image Protection Order Application Form and submit it to the CRT. A CRT case manager can assist with this.
- 2) The CRT will review the application form. Then the CRT may give the applicant one of the following:
 - a) A Notice of Application - Intimate Image Protection Order and directions about what to do next,
 - b) A request for more information, or
 - c) An explanation about why the CRT will not issue the Notice of Application - Intimate Image Protection Order.
- 3) The application form must only include claims for images that are substantially related. For example, images that were possessed or distributed by the same person or taken during the same event. The CRT may direct the applicant to complete a separate application form for images that are not substantially related.

Rule 4.3 – Does an applicant have to name a respondent if they are applying for an intimate image protection order?

- 1) An applicant can choose whether to name a respondent in an Intimate Image Protection Order Application. For example, a respondent could be an individual or an internet intermediary. However, if the applicant is seeking a declaration that a respondent’s conduct was unlawful, the applicant must name that person or entity as a respondent.
- 2) If an applicant names a respondent, the respondent must be served with the Notice of Application.



- 3) If an applicant does not name a respondent, the CRT may proceed with the intimate image protection order application with only the applicant as a party, without notifying anyone else.

Rule 4.4 – How does an applicant request an administrative penalty?

- 1) If an applicant already has an intimate image protection order from the CRT or a court, they can ask the CRT to order an administrative penalty against someone who has not complied with the intimate image protection order. That person could be a named respondent in the intimate image protection order, or they could be someone the applicant gave a copy of the intimate image protection order to.
- 2) Before asking the CRT to order an administrative penalty, the applicant must have given that person or organization a copy of the intimate image protection order. This could include:
 - a) Sending it by registered mail requiring a signature,
 - b) Sending it by courier delivery requiring a signature,
 - c) Delivering it in person,
 - d) Sending it by email, or
 - e) Sending it by text message or another type of messaging platform.
- 3) To request that someone be ordered to pay an administrative penalty for failing to comply with an intimate image protection order, an applicant must complete an Intimate Image Administrative Penalty Application Form. A CRT case manager can assist with this. If the court issued the intimate image protection order, the applicant must provide a copy of it to the CRT.
- 4) After reviewing the applicant's Administrative Penalty Application Form, the CRT may give the applicant one of the following:
 - a) A Notice of Application for an Administrative Penalty and directions about what to do next,
 - b) A request for more information, or
 - c) An explanation for why the CRT will not issue a Notice of Application for an Administrative Penalty.



PART 5 – SERVICE

Rule 5.1 – What is service?

- 1) Service is the process of giving any respondents notice of the claim that has been made against them. When a respondent is served, they must also be given information about how to respond and participate in the CRT process.
- 2) These service rules are about how an applicant can give notice to a respondent in a claim for an intimate image protection order or an administrative penalty.
- 3) Respondents must be served with the Notice of Application and instructions for response. They must also be given an opportunity to respond. If the Notice of Application is for an administrative penalty, the respondent must also be served with the intimate image protection order.

Rule 5.2 – When does the CRT serve respondents?

- 1) The CRT will usually serve a respondent. The CRT will not serve a respondent if:
 - a) The applicant tells the CRT that they want to serve a respondent themselves, or
 - b) The CRT tells the applicant that the applicant must serve a respondent.
- 2) The CRT can serve any type of respondent by sending the Notice of Application and instructions for response by regular mail. This is usually sent to the address provided by the applicant. If a respondent is a registered entity in Canada, the CRT will serve the entity at its registered office, head office, or attorney's office identified in the registration document.
- 3) If an applicant provides an email address for a respondent, the CRT may also send the Notice of Application and instructions for response to that respondent by email. Rule 5.4 sets out when delivery is considered service.

Rule 5.3 – When does an applicant have to serve a respondent?

- 1) The CRT will tell the applicant that they must serve a respondent with the Notice of Application and instructions for response if:



- a) The applicant does not give the CRT the information it requires to serve the respondent,
 - b) The respondent's mailing address is not in Canada,
 - c) The respondent is an individual who is under 19,
 - d) The respondent is an adult with impaired mental capacity,
 - e) The respondent is a deceased individual,
 - f) The CRT receives satisfactory information that the respondent did not receive a Notice of Application sent by the tribunal by regular mail, or
 - g) The CRT cannot serve the respondent for any other reason.
- 2) The applicant has 75 days from the day the CRT tells the applicant they must serve the Notice of Application to provide a completed Proof of Service Form to the CRT. The Proof of Service Form must describe how and when the applicant served the respondent.
 - 3) If the applicant needs more time to serve a respondent, they can ask for an extension. To ask for an extension, an applicant must complete a Request for Extension to Serve Form and provide it to the CRT before the service deadline.
 - 4) The CRT may refuse to resolve a dispute if the applicant does not provide a completed Proof of Service Form before the expiration of the service deadline.

Rule 5.4 - Approved Methods of Service

- 1) If an applicant is serving a respondent or any representative, guardian, or other person under Rules 5.5, 5.6, 5.7 or 5.8, the applicant can serve the Notice of Application and instructions for response by:
 - a) Sending it by registered mail requiring a signature,
 - b) Sending it by courier delivery requiring a signature,
 - c) Delivering it in person,
 - d) Sending it by email, or
 - e) Sending it by text message or another type of messaging platform.



Rule 5.5 – How does an applicant serve a respondent who is 19 or older?

- 1) If a respondent is an individual who is 19 or older, the applicant must serve them using the approved methods of service set out in Rule 5.4.

Rule 5.6 – How does an applicant serve a respondent who is an individual 19 or older and who has impaired mental capacity?

- 1) If a respondent is an individual who is 19 or older and who has impaired mental capacity, the applicant must serve the respondent and anyone else that the applicant is aware of having legal authority for the respondent using the approved methods of service set out in Rule 5.4. This could include a committee of estate, a representative appointed in a representation agreement, or an attorney appointed in an enduring power of attorney.

Rule 5.7 – How can an applicant serve a respondent who is under 19?

- 1) If a respondent is an individual who is under 19, the applicant must serve both the respondent and the respondent's parent or guardian using the approved methods of service set out in Rule 5.4.

Rule 5.8 – How can an applicant serve a deceased respondent?

- 1) If a respondent is a deceased individual, the applicant must serve the respondent's personal representative using the approved methods of service set out in Rule 5.4.

Rule 5.9– What other ways can an applicant serve a respondent?

- 1) If a respondent is a corporation, partnership, or any other type of entity not addressed in these rules, an applicant must follow the CRT's directions to serve that respondent.
- 2) An applicant who has difficulty serving a respondent can ask the CRT for alternate service directions by completing a Request for Directions on Service Form. An applicant must submit the Request for Directions on Service Form to the CRT before the deadline for service has passed.



Rule 5.10 – How does the CRT decide when someone has been served?

- 1) These rules set out when respondents are considered served with a Notice of Application. When a respondent is considered served will depend on how they were served, and whether the CRT served them or the applicant served them.
- 2) If the CRT served a respondent by regular mail, the Notice of Application is considered served 15 days after the CRT gives the item to BC Mail Plus. If the CRT receives notification that the Notice of Application was received earlier, then the CRT will consider it served at that earlier time. But, if the CRT receives satisfactory information that the respondent did not receive the Notice of Application, then the CRT will not consider it served through this method.
- 3) If an applicant serves a respondent by registered mail or courier, the Notice of Application is considered served at the date and time shown on the delivery receipt.
- 4) If an applicant serves a respondent by delivering it in person, the Notice of Application is considered served at the date and time it is delivered to the respondent as stated on the applicant's Proof of Service Form.
- 5) A Notice of Application sent by the CRT or the applicant by e-mail, text message, or another messaging platform is considered served when the respondent:
 - a) Acknowledges receipt of the Notice of Application by replying to the email or electronic method,
 - b) Contacts the CRT to make a request specific to the dispute, or
 - c) Otherwise confirms receipt of the Notice of Application.



PART 6 - RESPONDING TO A NOTICE OF APPLICATION

Rule 6.1 – What does a respondent have to do if they are served with a Notice of Application?

- 1) A respondent who is served with a Notice of Application must provide a completed Dispute Response Form to the CRT within 7 days of being served with the Notice of Application.
- 2) The CRT may extend the deadline for providing a completed Dispute Response Form.

PART 7 – DEFAULT DECISIONS

Rule 7.1 – What does it mean for a respondent to be “in default”?

- 1) For the purpose of these rules, a respondent is in default if they are served with the Notice of Application and they do not file a response within the deadline for filing a response.

Rule 7.2 – How can an applicant request a default decision and order?

- 1) If every respondent has been served and has not responded, an applicant can request a default decision and order by providing:
 - a) A completed Request for Default Decision and Order Form,
 - b) Supporting evidence, and
 - c) A completed Proof of Service Form, if the applicant served the respondent.
- 2) If an applicant does not request a default decision within 21 days of the CRT telling them they are eligible to request one, the CRT may dismiss or refuse to resolve the dispute.

Rule 7.3 – What can the CRT do when it makes a default decision and order?

- 1) When the CRT makes a default decision and order against a respondent, it may:



- a) In a claim for an intimate image protection order, assume that respondent distributed or threatened to distribute the intimate image,
- b) In a claim for an administrative penalty, assume the respondent failed to comply with the intimate image protection order as required,
- c) Determine the appropriate orders to make, and
- d) Resolve the dispute without the participation of the respondent who failed to respond.

PART 8 - CASE MANAGEMENT

Rule 8.1 – What happens during case management?

- 1) During case management, the applicant and any respondents will receive support from a case manager. The case manager will give the parties directions about the process. This includes the steps that will happen next, and the timelines for those steps. The case manager may also provide the parties with resources for support.
- 2) A case manager may refer any matter requiring a decision or order to a tribunal member.

Rule 8.2 – How can a party ask the CRT for permission to change their Notice of Application or Response?

- 1) An applicant or respondent may ask the CRT to change their Notice of Application or Response by telling the case manager that they want to request a change. They will need to provide the case manager with details about the change they are requesting.
- 2) The CRT will decide whether to permit the change. The CRT 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 CRT considers appropriate.

Rule 8.3 – What will a case manager do to help the parties prepare for a CRT decision?

- 1) To prepare the dispute for a CRT final 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 and submissions relevant to resolving the claims or issues in the tribunal decision process,
 - c) Preparing a Tribunal Decision Plan, and
 - d) Taking any other steps to prepare the parties for the tribunal decision process.
- 2) The case manager can direct the parties to complete a Tribunal Decision Plan. This is the package of information that goes to the tribunal member who will make the decision. The case manager can direct 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 Tribunal Decision 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.

Rule 8.4 – Are there timelines or character limits for a tribunal decision plan?

- 1) The case manager will set timelines for completing the Tribunal Decision Plan.
- 2) Unless a claim is for dispute-related fees and expenses, arguments in a Tribunal Decision Plan for a final decision are limited to:
 - a) 20,000 characters per claim for an applicant's arguments,
 - b) 20,000 characters per claim for a respondent's response arguments, and
 - c) 10,000 characters per claim for an applicant's reply.
- 3) Arguments in a Tribunal Decision Plan for a final decision are limited to 500 characters per claim in a claim for dispute-related fees and expenses.
- 4) A party may contact a case manager to request:



- a) An extension of the timeline for completing the Tribunal Decision Plan, and
- b) Permission to submit arguments that exceed the character limit.

PART 9 – WITHDRAWAL

Rule 9.1 – How does an applicant ask to withdraw their claims?

- 1) At any time before the CRT issues a final decision, the applicant can contact the CRT and ask to withdraw their claims.
- 2) If all claims in a dispute are withdrawn, the CRT will treat the dispute as resolved and close the dispute file.
- 3) In considering a request to re-file a previously withdrawn claim the CRT 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 CRT’s mandate,
 - e) Whether it is in the interests of justice and fairness, and
 - f) Any other factors the CRT considers appropriate.

PART 10 – EVIDENCE

Rule 10.1 – What kind of evidence do parties have to provide to the CRT?

- 1) Participants are responsible for providing evidence to support their position on each claim.
- 2) Generally, a participant must provide all evidence in their possession that may prove or disprove an issue in the dispute, even if the evidence does not support the participant’s position.

Rule 10.2 – What kind of evidence will the CRT accept?

- 1) The CRT can restrict the format, size, or amount of information and evidence submitted or exchanged during the tribunal process.



- 2) Participants must only submit original documents and physical evidence when the CRT directs or orders them to do so.
- 3) All information and evidence that a participant relies on must be in English or translated to English.

Rule 10.3– How can I ask a person or organization for evidence that I need for my CRT dispute?

- 1) If a party wants another person or organization to give them evidence that they need for the CRT proceeding, the party can ask that person or organization for the evidence by issuing a summons.
- 2) The CRT may require a party to first contact the other person or organization in writing to ask for the evidence, record, or other thing in that person’s or organization’s control, before issuing a summons.
- 3) To issue a summons, a party must:
 - a) Consult with their case manager,
 - b) Complete the Summons Notice according to the case manager’s directions,
 - c) Serve the Summons Notice according to the CRT’s directions, and
 - d) Include with the Summons Notice the fees shown on the Summons Notice.

Rule 10.4 – Can the CRT order someone to provide evidence?

- 1) If a party or participant wants the CRT to order a person or organization to produce records that may be in that person’s possession or control, the party or participant can ask the CRT to issue a production order.
- 2) To ask for a production order, the party or participant must discuss the request with the case manager. The case manager may require the party or participant 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 CRT makes an order to produce records, the person or organization who the party or participant says has the records will be given an opportunity to make submissions.
- 4) As part of an order to produce records, the CRT may order the party or participant who asks for the records to pay any fees the person or organization reasonably incurs to produce the records.

PART 11 – THE TRIBUNAL DECISION PROCESS

Rule 11.1 – What is a tribunal hearing, and how is one held?

- 1) A tribunal hearing is the process where a tribunal member considers the application, weighs the submitted evidence and arguments, and issues a written decision about the remedies requested.
- 2) The CRT has discretion to decide whether a hearing will be held in writing, orally, or a combination of in writing and orally. Generally, a tribunal hearing will be held in writing. Parties will provide evidence and written arguments through the CRT's online portal.
- 3) If a party asks for an oral hearing, a tribunal member will decide whether to hold one. Oral hearings will take place on weekdays, during regular business hours. If an oral hearing is held, all parties must attend. This may delay the tribunal decision process.

Rule 11.2 – What information will the CRT give the parties when a dispute is assigned to a tribunal member for a decision?

- 1) When a dispute is assigned to a tribunal member for decision, the CRT will tell the parties the name of the member assigned to the dispute and the estimated date for the decision.
- 2) If the CRT Chair extends the time allowed for the CRT to provide its final decision and orders, the CRT will notify the parties of the change.

Rule 11.3 – Can someone contact a tribunal member about a dispute?

- 1) A party, participant, representative, or helper must not contact a tribunal member directly about a dispute. If they do, the CRT may restrict their participation in the CRT's process or prohibit their participation entirely.



Rule 11.4 – Will the CRT order a party to pay another party’s expenses?

- 1) If a tribunal member makes a final decision, the tribunal member will usually order the unsuccessful party to pay the successful party’s reasonable dispute-related expenses. For example, this could include the cost of using a courier to serve the other party.
- 2) To determine whether a party must pay another party’s legal expenses, the tribunal member 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 member considers appropriate.
- 3) Except in extraordinary circumstances, the tribunal member will not order one party to pay another party compensation for time spent dealing with the CRT proceeding.

Rule 11.5 – What will the CRT consider when deciding whether to order someone to pay an administrative penalty?

- 1) In deciding whether to order a respondent to an application for an administrative penalty to pay a penalty, a tribunal member may consider:
 - a) Whether and when the person was provided with the intimate image protection order,
 - b) Whether the person made every reasonable effort to comply with the intimate image protection order, and
 - c) Any other factors the tribunal member considers appropriate.

PART 12 – REQUESTS TO CANCEL AN INTIMATE IMAGE PROTECTION ORDER

Rule 12.1 – Who can ask the CRT to cancel an intimate image protection order?

- 1) There are two categories of people or organizations who may ask the CRT to cancel an intimate image protection order:



- a) An applicant or respondent who did not participate as required in the intimate image protection order proceeding, and
- b) A person who was not a party but who demonstrates to the CRT that they are affected by an intimate image protection order.

Rule 12.2 – How can a party or affected person ask the CRT to cancel an intimate image protection order?

- 1) To ask the CRT to cancel an intimate image protection order, a party or affected person must:
 - a) Complete and submit the Request to Cancel an Intimate Image Protection Order Form,
 - b) Provide a completed Intimate Image Protection Order Response Form, if applicable,
 - c) Provide evidence to support the cancellation request,
 - d) Provide evidence in defence to the Notice of Application for Intimate Image Protection Order, if applicable, and
 - e) Follow any other directions the tribunal provides.
- 2) A request for cancellation must usually be made within 7 days of the party or affected person receiving the intimate image protection order or decision.

Rule 12.3 – What will the CRT consider if a party or affected person requests that the CRT cancel an intimate image protection order?

- 1) To decide whether to hear the request to cancel an intimate image protection order, the tribunal will consider:
 - a) Whether the person applying to cancel is an applicant or respondent, and if not, whether they are an affected person,
 - b) The reasons the party or affected person is requesting cancellation, and
 - c) Whether the party or affected person's Request to Cancel a Decision or Order Form, and completed Intimate Image Protection Order Response Form if applicable, show a claim or defence that has merit or at least is worth investigating.
- 2) The party or affected person asking the CRT to cancel the intimate image protection order has the burden to provide sufficient evidence on the factors above.



- 3) If the person asking for cancellation is a respondent who was given the opportunity but failed to participate in the intimate image protection order tribunal proceeding, the CRT will also consider whether the party's failure to participate was willful or deliberate.

Rule 12.4 – Who is an “affected person”?

- 1) If someone who was not an applicant or respondent wants to apply to cancel an intimate image protection order, the CRT will first decide whether they are affected by the order. The CRT may consider:
 - a) Whether the intimate image protection order requires that person to do or stop doing something,
 - b) Whether the applicant agrees that the person is affected by the intimate image protection order,
 - c) Whether the applicant is pursuing an administrative penalty or damages claim against the person in relation to the image, and
 - d) Any other factors the CRT considers relevant.
- 2) If the CRT determines a person is affected by the intimate image protection order, they become a respondent to the CRT proceeding for the purpose of applying to cancel the determination or order.

Rule 12.5 – What happens if the CRT decides to hear a request for cancellation?

- 1) If the CRT decides to hear the party or affected person's request to cancel an intimate image protection order, the CRT will:
 - a) Notify the other parties to the dispute,
 - b) Provide the parties with all or some of the evidence that was before the CRT during the original proceeding,
 - c) Allow the parties and affected persons to make submissions about the cancellation request and any orders that the parties request the CRT make or cancel, and
 - d) Provide any other directions the CRT determines appropriate in the circumstances.



- 2) At the end of a cancellation request hearing a tribunal member may cancel all or part of an intimate image protection order. At the same time, the tribunal member may also make a new determination and issue a new intimate image protection order.

PART 13 – REQUESTS TO CANCEL AN ADMINISTRATIVE PENALTY DECISION OR ORDER

Rule 13.1 – How can a party ask the CRT to cancel an administrative penalty decision or order?

- 1) A party may ask the CRT to cancel an administrative penalty decision or order that was issued when that party was in default or non-compliant by:
 - a) Completing and submitting the Request to Cancel a Decision or Order Form,
 - b) Providing a completed Intimate Image Administrative Penalty Response Form, if applicable,
 - c) Providing evidence to support their cancellation request, and
 - d) Following any other directions the CRT provides.
- 2) A party asking for cancellation of an administrative penalty decision or order must apply to cancel the order within 28 days after they are considered to have received notice of the decision or order.

Rule 13.2 – What will the CRT consider if someone requests that the CRT cancel an administrative penalty?

- 1) In reviewing a request for cancellation, a tribunal member will consider whether:
 - a) The requesting party's failure to respond to the Notice of Application or to comply with the *Civil Resolution Tribunal 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 Notice of Application – Administrative Penalty or Administrative Penalty Response Form shows a claim or defence that has merit or is at least worth investigating.



- 2) The party asking the CRT to cancel the administrative penalty has the burden to provide sufficient evidence on the factors above.

Rule 13.3 – What happens if an administrative penalty is cancelled?

- 1) If the tribunal member cancels the decision and order, the tribunal member will:
 - a) In the case of a default decision, accept the Dispute Response Form as an Administrative Penalty Response and provide the Response to all parties, and
 - b) In all cases, provide further direction to the participating parties about next steps.

PART 14 – PRIVACY AND ACCESS

Rule 14.1 – What does the CRT do to protect the privacy of parties and non-parties?

- 1) The CRT will take reasonable steps to protect the privacy of parties, participants and non-parties. The CRT will use initials in place of full names or use other descriptions where the CRT considers it appropriate to do so. In considering how to protect the privacy interests of parties, participants and non-parties, the CRT will also consider the CRT's Access to Information and Privacy Policy.
- 2) In an application for an intimate image protection order the CRT will order a ban on publication of the applicant's name, unless:
 - a) The applicant was an adult at the time the image was shared or threatened to be shared,
 - b) The applicant asks that there not be a publication ban, and
 - c) There are no other reasons to protect the applicant's identity.
- 3) In an application for an intimate image protection order the CRT will order a ban on publication of a respondent's name, if:
 - a) A respondent was an individual under 19 at the time the image was shared or threatened to be shared, or
 - b) There are other reasons to protect a respondent's identity.



- 4) A party can ask the CRT to cancel a publication ban by contacting the CRT and setting out the reasons they would like the publication ban cancelled.

Rule 14.2 – Can someone ask for information about a claim for an intimate image protection order or an administrative penalty?

- 1) The CRT Access to Information and Privacy Policy governs public requests for information and access to records. Generally, non-parties will not be given access to records or information about intimate image disputes.
- 2) The CRT can require a person to pay fees for obtaining copies of information or records from the CRT.
- 3) A tribunal member can, at any time, order that some or all information in a dispute be sealed or redacted.

Rule 14.3 – What is a validated copy of a tribunal document?

- 1) The CRT 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) The CRT may use an electronic signature to validate a record or other document.



GLOSSARY

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

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

“Distribution” in the *Intimate Images Protection Act* means the same thing as “sharing” in the rules.

“Hearing” in the CRTA is the same as “tribunal decision process” in the rules.

“Initiating notice” in the CRTA is the same as “Notice of Application” in the rules.

“Initiating party” in the CRTA is the same as “applicant” in the rules.

“Party” means an applicant or respondent, whether or not they are participating.

“Participant” means a person who is participating in the CRT process, including someone who applies to cancel a CRT decision. It does not include a party who is not participating.

“Production Order” is an order made under section 34 of the CRTA.

“Request for tribunal resolution” in the CRTA is the same as “Notice of Application” in the rules.

“Responding party” in the CRTA is the same as “respondent” in the rules.