



## BCCAT Spring 2017 Newsletter

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# Message From The President



I am excited and honoured to serve as BCCAT's president this year. I congratulate and thank all of those who allowed their names to stand for election to the 2016-2017 Board of Directors. I look forward to working with you all over the coming year. I also wish to thank those whose terms have expired or who were otherwise unable to continue volunteering with BCCAT at the Board or Committee levels. BCCAT is run by its members for its members and would not be able to do what it does without its committed volunteers.

A new year has brought exciting changes to BCCAT. In December BCCAT hired Lisa Clement as its Executive Director. On behalf of BCCAT: Welcome Lisa! The Board of Directors and I look forward to working closely with you as we continue to offer educational opportunities, exciting conferences, roundtables and other exciting initiatives.

2017 also brings an exciting opportunity for the Administrative Justice community as BCCAT is co-hosting the Canadian Council of Administrative Tribunals' 33rd Symposium: on the Edge between Sea and Sky, New Horizons for Administrative Justice from May 28-30 in Vancouver, BC. Please look at the Symposium program at <http://www.ccat-ctac.org/en/symposium/symposium---at-a-glance>. I'm sure you'll agree it's going to be an exciting and informative national conference.

*Emily C. Drown*



# 2016-17 Board Members



## President

**Emily C. Drown**

*Safety Standards Appeal Board*

## Vice-President

**Shannon Salter**

*Civil Resolution Tribunal*

## Secretary

**Debe Simpson**

*Workers Compensation Appeal Tribunal*

## Treasurer

**Pam Hansen**

*Chartered Professional Accountants of BC*

## Past President

**Alison Narod**

*Community Care and Assisted Living Appeal Board*

## Directors

**Kate Campbell**

*Workers Compensation Appeal Tribunal*

**John Mayr**

**Simmi Sandhu**

*Property Assessment Appeal Board*

**Jacque de Aguayo**

*Labour Relations Board*

**Julie Gibson**

*Civil Resolution Tribunal*

**Linda Michaluk**

*Environmental Appeal Board*

**Emily Ohler**

*Human Rights Tribunal*

**Kirsten Pedersen**

*BC Farm Industry Review Board*

**Michael Skinner**

*Health Professions Review Board*

*On behalf of BCCAT, we want to thank our board members for all of their hard work and dedication to the organization.*

# 2017 Joint BCCAT/CCAT



**BCCAT is proud to co-host the Canadian Council of Administrative Tribunals' 33rd Annual Symposium  
“On the Edge between Sea and Sky, New Horizons for Administrative Justice”**



As Canada has evolved over 150 years, so has Administrative Justice. The upcoming national symposium takes a hard look at New Horizons for Administrative Justice and is sure to be a must attend Administrative Justice event.

Don't miss this joint initiative presented by BCCAT and CCAT in Vancouver, BC from May 28 – 30, 2017. For information regarding symposium sessions and speakers please see :

[www.ccat-ctac.org/en/symposium/symposium---at-a-glance](http://www.ccat-ctac.org/en/symposium/symposium---at-a-glance)

Register now at [www.ccat-ctac.org](http://www.ccat-ctac.org) and for a limited time only take advantage of Early Bird rates!

Until March 15th, BCCAT members can get a Super Discount rate by using promo code **bc1703** when registering. Register now to ensure you don't miss out on the savings!

# Welcome Lisa!



## Welcome Lisa!

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The British Columbia Council of Administrative Tribunals is thrilled to announce that we hired an Executive Director in December 2016. Lisa Clement joins us with a wealth of experience in non-profit management and also has a background in law. WELCOME LISA! On behalf of the Board of Directors, we look forward to working with you!







# Admin Law Case Update

## Admin Law Case Comment

by Emily C. Drown

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### *Toronto Star Newspapers Ltd. v. The Attorney General of Ontario*

**BREAKING NEWS!** The Toronto Star Newspaper has brought an application in the Ontario Superior Court of Justice seeking the following declarations:

- that the application of Ontario's Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31 ("FIPPA") as it applies to quasi-judicial tribunals is unconstitutional as an unjustifiable infringement on section 2(b) of the *Canadian Charter of Rights and Freedoms* and therefore is of no force and effect;
- that the open court principle applies to quasi-judicial tribunals, that their proceedings are presumptively open to the public and that their records, including pleadings, exhibits, legal briefs and all other documents on which adjudication is based are public in the same way as court records are public; and
- that restrictions on access to a tribunal's adjudicative documents should only be permitted in accordance with the Supreme Court of Canada's "Dagenais/Mentuck" test, originating from *Dagenais v. Canadian Broadcasting Corporation* [1994] 3 SCR 835 and *R. v. Mentuck* [2001] 3 SCR 442.

### *Schrenk v. British Columbia (Human Rights Tribunal)*, 2016 BCCA 146

#### **STAY TUNED!**

The Supreme Court of Canada will be hearing an appeal of [Schrenk v BC \(Human Rights Tribunal\)](#) 2016 BCCA 146 (CanLII) in March 2017. This case involves an interesting question of the Tribunal's jurisdiction over individual Respondents in an employment context and it will be interesting to see what the Supreme Court of Canada has to say about the issue.

# Recruitment for Committees



## BCCAT needs YOU

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Would you like to be more involved in the Administrative Justice Community? Joining one of BCCAT's valuable committees is a great way to become more involved. BCCAT is seeking members to serve on its various committees:

- Membership and Outreach
- Policy
- Technology
- Nominating
- Education
- Conference

If you are interested in assisting BCCAT, please forward your interest via email to [registrar@bccat.net](mailto:registrar@bccat.net)

**BCCAT is run by its members for its members.**



# Civil Resolution Tribunal



## Civil Resolution Tribunal Update

by Garth Cambrey, Vice – Chair Civil Resolution Tribunal

On July 13, 2016, the Civil Resolution Tribunal (CRT) started accepting applications for strata property claims.

The mandate of the CRT is to provide dispute resolution services using electronic communication tools that are accessible, speedy, economical, informal and flexible while applying the principles of law and fairness and recognizing the party relationship will likely continue after the tribunal proceeding has concluded.

The CRT is focused on early resolution and offers people a free, online system of guided pathways that allows them to get free legal information and tools to try and resolve their disputes without starting a CRT claim. That system is called the Solution Explorer and, since July, it has been used for nearly 4,000 explorations.

Based on public feedback and our data, we believe most people who use the Solution Explorer find useful information and tools to resolve their dispute themselves. However, about 225 parties have made online applications for strata property dispute resolution with the CRT. We also know about 40% of people submitted their applications outside of working hours.

The CRT Act contemplates parties being self-represented, which has been well received by the public. Parties can however request a representative act on their behalf but permission must be obtained from the CRT. Minors and people with impaired mental capacity can be represented under the CRT rules. Parties who have insurance coverage can be represented by their insurer. Otherwise, the CRT will only permit a party to be represented if it is in the interest of justice and fairness as viewed by the tribunal.

When the CRT receives an application for dispute resolution, it is screened for completeness before the dispute is accepted. If clarity on some matters is required we'll contact the applicant before issuing a Dispute Notice and response form for the applicant to provide to the other parties. We're striving to issue Dispute Notices on the same day we receive the application.

An applicant has 90 days to serve the respondents and once the CRT receives all responses, the dispute moves into our facilitation phase. During facilitation a case manager with dispute resolution expertise works with the parties to resolve the dispute by agreement.

Continued on the next »



# Civil Resolution Tribunal

We have recently added facilitators to our staff. About 125 claims are in facilitation and some disputes have already been settled.

If facilitation is not successful, the dispute can be moved to the tribunal decision process for an additional fee. We've resolved a few disputes through the tribunal decision process and you can read CRT decisions on our website:

[www.civilresolutionbc.ca](http://www.civilresolutionbc.ca)

We're developing our technology using an agile approach and are continually refining and improving our systems. In the near future the CRT will be launching its online portal and case management system. Our technology is performing well, and continues to easily handle our case load.

We're also currently testing the Solution Explorer for small claims, in anticipation of our jurisdiction expanding to include low value small claims disputes in early 2017.

It continues to be exciting times for the CRT as we work to improve our services and access to justice to better serve the public.

For more information please go to our website at [www.civilresolutionbc.ca](http://www.civilresolutionbc.ca)



# Tribunal Transformation Update



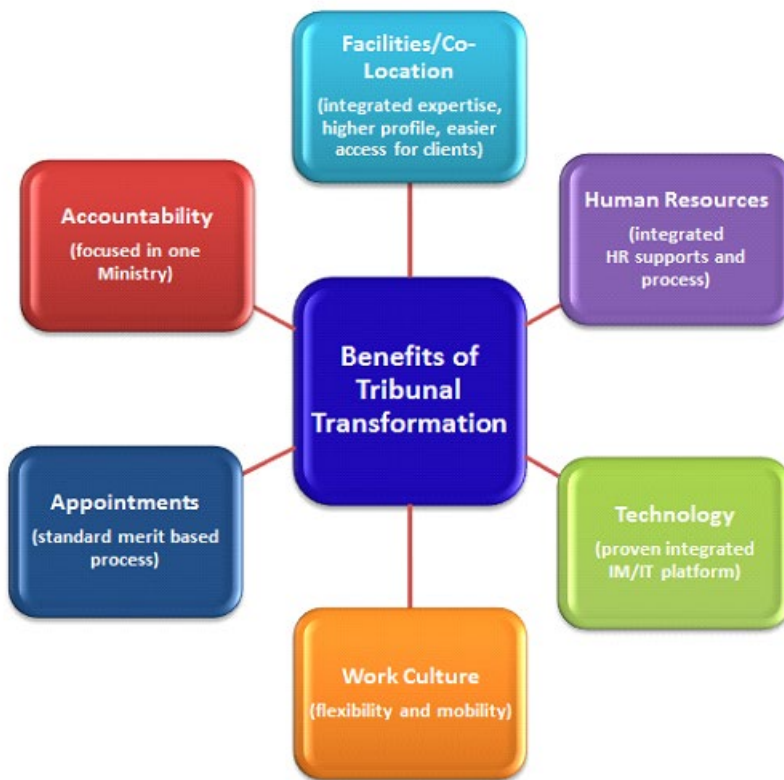
## Tribunal Transformation Update

by Jason Pallon, Director Tribunal Supports, Dispute Resolution Office, Ministry of Justice

### Tribunal Transformation Gaining Momentum!

The Tribunal Transformation Initiative (TTI) is an overarching strategy informed by several key reports, including two government White Papers which set out government's vision for a more transparent, timely, and balanced justice system. TTI aims to provide better supports for BC's tribunals, and to improve efficiency by modernizing facilities, introducing new technology, developing consistent performance reporting, clarifying accountabilities, and supporting tribunal business transformations.

### Tribunal Transformation Overview



#### Benefits

- On-line access to justice for users
- Common, new IT platform
- Modern facilities
- Integrated admin. resources
- Performance reporting
- Flexible work options
- Support on appointments
- Maximize value for money for taxpayers

#### Challenges

- Change management
  - IM/IT – legacy systems
  - Co-location
  - Human resources
  - Budget oversight
  - Business processes
- Greater accountability

Continued on the next »

# Tribunal Transformation Update



Progress to date includes:

- **Early 2016:** the ATSAA (Administrative Tribunals Statutory Amendments Act) came into force, allowing for introduction of performance measures (i.e. cost per case, time to resolution, and user experience measures).
- **May 2016:** Treasury Board approval received for TTI funding.
- **July 13, 2016:** World's first online tribunal, the Civil Resolution Tribunal (CRT), launched.
- **December 2016:** Shared Services BC and Ministry of Justice sign \$4 million MOU on the facilities renewal and co-location of eight tribunals in Greater Vancouver.
- **January 2017:** Constitution Act orders are signed by the Lieutenant Governor in Council and twelve more tribunals (19 in total) will become the responsibility of the Minister of Justice on April 1, 2017.
- **Ongoing:** The technology team continues to move forward with the development of the Solution Explore (SE) and Dispute Resolution System (DRS), technology platforms for future business transformations across BC tribunal sector. If you have questions, comments, or would like a briefing on how the technology work is progressing, please contact Mac Campbell at [Mac.Campbell@gov.bc.ca](mailto:Mac.Campbell@gov.bc.ca)

The Ministry of Justice Tribunal Supports Team is working hard to ensure a smooth transition to the Ministry of Justice. Please contact Jason Pallan [Jason.Pallan@gov.bc.ca](mailto:Jason.Pallan@gov.bc.ca) if you have any comments or questions.

# Course Dates



## Upcoming BCCAT Course Dates

Course Name	2017 Dates	Member Rates*	Non-member Rates**
Administrative Justice <i>Practice &amp; Procedure for Decision Makers</i>	March 30, 31 November 2, 3	\$500	\$700
Administrative Justice <i>Practice &amp; Procedure for Staff Members</i>	April 7 October 27	\$300	\$450
Decision Writing Workshop	April 20, 21 Nov 16, 17	\$500	\$700
Hearing Skills Workshop	April 27, 28 Nov 23, 24	\$500	\$700
Administrative Justice <i>Practice &amp; Procedure for Post Secondary Education Institutions</i>	Institutions should contact BCCAT		

\* Add 5% GST on all courses.

\*\* To access member rates, you must be a member of BCCAT. [Become a BCCAT member](#)

\*\*\* Courses are approved as continuing education for members of the bar in completing the Annual Report to the Law Society of BC.

## Custom Course

Did you know that BCCAT offers custom courses tailored especially for your tribunal members' wants and needs. Contact BCCAT to find out how our custom courses can be designed to meet your tribunal members' continuing education needs.

# Decision-Maker's Manual



Have you checked out BCCAT's online Decision-Maker's Manual? If not, you should as it covers must know topics for administrative decision makers such as:

- How to conduct hearings, including:
  - Admitting evidence
  - Questioning witnesses
- Striving for consistent and quality decisions
- Conduct of adjudicators
- Collaborating with other tribunals
- "How to" advice

Access to BCCAT's Decision-Maker's Manual comes with your membership in BCCAT. To access the Decision-Maker's Manual:

1. Create a login account using the [BCCAT website](#) (click on login at the top right corner of the website and follow the prompts to create an account)
2. Once you have created your account, click on the Resources tab and select Decision-Maker's Manual Download and follow the prompts.





# Winners Announcement



## And the winners are...

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Thank you to everyone that filled out and submitted our recent membership survey.

**Monica Danon-Schaffer** won the \$50 Visa Gift Card  
&  
**Lainie Shore** won the \$100 BCCAT course credit.

Thank you!

