BCCAT
E-NEWSLETTER

ISSUE #3

www.bccat.net

SEPTEMBER 2026



Welcome to the Fall Edition of BCCAT's Newsletter!

We are excited to share BCCAT's latest news in this edition, especially as we continue preparing for the start of BCCAT's inaugural Wednesday Webinar Series in October and BCCAT's AGM on November 26th, which will be accompanied by a compelling Roundtable.

Each Wednesday Webinar includes expert presentations, practical discussion and opportunities to engage directly with exceptional panellists.

Choose the topics that matter most to you from seven focused sessions, or if you're a BCCAT subscriber or CCAT member, register for the complete series and receive all seven webinars for the price of six.

Earn 2 CPD credits per webinar, with the opportunity to earn up to 14 CPD credits by attending the full series.

All sessions are live 2-hour events held from 12:00 pm to 2:00 pm Pacific Time (PT).

Please visit BCCAT's website for a detailed agenda and speaker bios.

Along with important continuing education details, this edition includes noteworthy updates from BCCAT, key announcements, event invitations, and an insightful case comment from Mark Mancini.

We hope you enjoy this edition and look forward to your feedback and suggestions for future newsletters. Thank you for being a valued part of our community!

NEW COURSE OFFERING

Introduction to Foundations of Administrative Justice:
Everything You Need to Know to Make, and Write Defensible Decisions

This new two-day course—designed from the ground up with a modern perspective on the pressures decision-makers face—will help participants deepen their understanding of the foundations of administrative law and apply that knowledge in practical ways, including determining how and when to exercise their discretion in decision-making.

Two instructors who are current administrative decision-makers will deliver the course, and a guest Justice will offer knowledge, perspective, and advice from the bench on the morning of the second day.

This course is divided into four modules, each building on the previous module's content.

Module One:
After completing this module, participants should be able to identify the origins of administrative law and explain the functions it serves in society and within the Canadian legal framework. They should be able to identify who can make an administrative law decision and the limits of that decision. They should also be able to list and explain the factors that can lead to a fair administrative process, including why these factors are necessary for every decision that is made.

Module Two:
After completing this module, participants should be able to identify the prerequisites for a defensible decision. They should be able to explain the significance of moving from one stage of decision-making to another and the legal effects of making a final decision. Further, participants should be able to articulate the effects that case law, policies, and the Charter may have on any decision they make.

Module Three:
After completing this module, participants should be able to explain the importance of discretion in decision-making and how it affects decisions made by various decision-makers. They should be able to identify the structure of an administrative decision and construct a reasoned, logically structured decision. They should also be able to articulate several methods for demonstrating their understanding of legal and factual issues in a written decision. They should further be able to identify foundational evidentiary concepts and explain how to apply them when making decisions.

Module Four:
After completing this module, participants should be able to explain the components of defensible decisions and identify issues in their own writing. They should also understand the legal significance of including or excluding information in written reasons. Finally, they should be able to identify the legal steps available to individuals who disagree with legal decisions they make.

VIEW COURSE DATES AND REGISTRATION INFORMATION

Fall Registration is Open

BCCAT's registration for fall courses is open. Since we open these courses only twice a year, they can fill up quickly. Please remember that if a course is full, it is still possible to deliver a private offering to your group.

Career Opportunities

Don't forget to regularly check the Career Opportunities page on BCCAT's website.

If your organization would like to advertise an opporunity, please submit the posting to registrar@bccat.net.

Request for Submissions

BCCAT would like to invite you to share your knowledge, insight and perspectives with its members.

Your contributions will help us create a dynamic and informative e-newsletter that will provide members with valuable information and practical guidance.

We are looking for content in the form of:

- case notes
- articles
- best practices tips
- anything else you may want to pass on to your colleagues. We welcome your ideas and creativity!

Please send your submissions to executivedirector@bccat.net.

We'd love to hear from you!

BCCAT • ANNUAL CONTINUING EDUCATION

Wednesday Webinar Series

Registration now open!

Level up—without leaving your desk.

BCCAT is pleased to offer a new, flexible way to learn through a series of **2-hour, virtual webinars.**

From AI to Mastering Administrative Decision-Writing, choose the topics that matter most to you from 7 focused sessions. Visit BCCAT.net to see detailed webinar agendas.

Visit www.bccat.net for speakers' biographies.

Kate Campbell
Kaitlyn Chewka
The Honourable Thomas Cromwell, CC
Katie Rosolen Daoust
Alandra Harlingten
Justice Karen A. Horsman
Justice Jacqueline D. Hughes
Chantelle Rajotte, KC
Laila Said
Herman Van Ommen, KC
Nicolas Vermeys
Justice Karrie A. Wolfe
Terry Yue

All sessions are live 2-hour events running 12:00pm—2:00pm Pacific Time (PT)

JOIN US!

OCTOBER 14, 2026
NOVEMBER 18, 2026
DECEMBER 9, 2026
JANUARY 13, 2027
FEBRUARY 10, 2027
MARCH 10, 2027
APRIL 14, 2027

BC COUNCIL OF ADMINISTRATIVE TRIBUNALS

Visit BCCAT.net
to register and find out more!

BCCAT ADVOCATING FOR YOU

BCCAT has joined a pan-Canadian coalition of administrative justice organizations in seeking leave to intervene before the Supreme Court of Canada in a significant appeal [Attorney general du Québec v. Petrishki , 2025 QCCA 893] concerning judicial independence and the constitutional role of adjudicative decision-makers.

While Petrishki is not directly concerned with administrative tribunals, it raises broader questions about the nature of adjudicative functions within Canada's justice system and could have important implications for how the role of administrative tribunals is understood in the future. Across Canada, administrative tribunals increasingly serve as the primary forum for resolving complex disputes, interpreting and applying legislation, addressing constitutional issues, and providing remedies that have significant impacts on individuals, businesses, and governments. Many tribunal members exercise functions that are judicial or quasi-judicial in nature and play an essential role in the development of both statutory and constitutional law.

Through this intervention, BCCAT seeks to ensure that the evolving role of administrative adjudicators is properly understood and that future debates about their constitutional status remain open and informed. As a leading voice for administrative justice in British Columbia, BCCAT believes it is important to participate in cases of national significance that may affect the independence, effectiveness, and legitimacy of administrative decision-making, while helping to safeguard public confidence in the rule of law and Canada's administrative justice system.

We will keep you informed of developments as this important work progresses.

*****Don't miss the fourth delivery of this new, one-day course on November 6 instructed by Sherelle Goodwin*****

FOUNDATIONS OF ADMINISTRATIVE JUSTICE: Practice and Procedure for Staff Members

As one BC Tribunal Chair recently stated, "This course is a MUST for staff members to recognize key issues, avoid procedural fairness missteps, and appropriately escalate problems."

Click **here** to read testimonials from the last two course deliveries. Some examples include:

***"This course helped me understand things I didn't realize I was missing."* April 2025**

***"The instructor has great real-life examples and is very personable and engaging."* April 2025**

***"This course exceeded my expectations. I certainly learned a lot!"* April 2025**

***"Very relevant interactive part. Informative and easy to follow."* November 2024**

***"Very clear delivery. It was excellent."* November 2024**

This one-day, virtual course provides an introductory and practical overview of the fundamentals of administrative law as they apply to the work of tribunals and similar decision-making bodies. Participants explore **real-life examples and realistic scenarios**, and leave with **concrete tools** they can immediately apply to their work.

Topics covered include:

- procedural fairness;
- reviews and appeals;
- legislative framework of decision-making bodies;
- working effectively with decision-makers; and
- dealing with challenging complainants and other stakeholders.

Register now to attend the **November 6 course**, instructed virtually by **Sherelle Goodwin.**

Private, in-person or virtual deliveries for your tribunal or board are also available. Contact **BCCAT's Registrar** for private registration.

****REGISTER NOW****



PLEASE JOIN US FOR BCCAT'S ANNUAL GENERAL MEETING

AND

BCCAT'S FALL ROUNDTABLE WITH KATE PHIPPS

TRACKING TRENDS IN TRIBUNAL INDEPENDENCE: Guarding Against Political Interference and Institutional Bias

You're invited to join BCCAT for its AGM on Wednesday, November 26 at 11:30 am. This 90-minute gathering is a great chance to hear from BCCAT, and to connect (albeit virtually) with fellow admin law enthusiasts!

Don't miss this opportunity to celebrate BCCAT's successes, recognize exceptional leaders in our community, and look ahead to another inspiring year together.

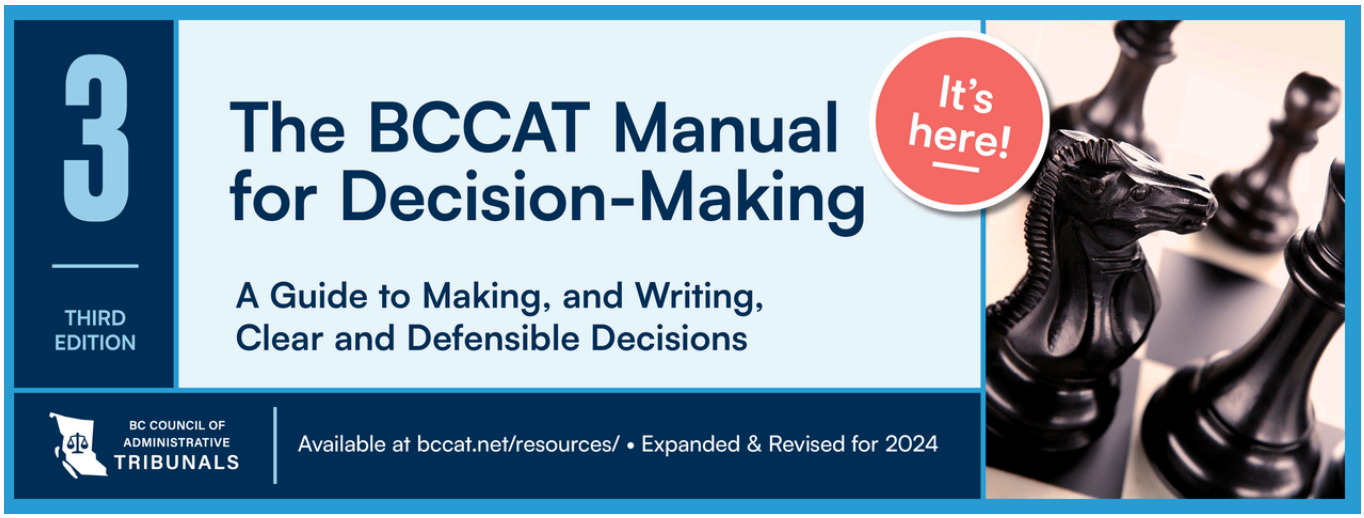
This year, we are keeping AGM business short and sweet to include another valuable BCCAT Roundtable delivered by Kate Phipps, titled TRACKING TRENDS IN TRIBUNAL INDEPENDENCE: Guarding Against Political Interference and Institutional Bias.

Kate Phipps is a litigator in Arvay Finlay's Vancouver office with particular expertise in administrative law. Kate is passionate about and dedicated to good governance and sound, fair decision-making.

Kate regularly advises tribunals and government agencies on complex proceedings, policy development and regulatory compliance. Kate also advises societies on governance matters, with a specific focus on post-secondary student societies.

You must register to attend: REGISTER HERE

We hope to see you there!



If you are a **new member**, don't forget to visit the **Member Resource** page on BCCAT's website and download your complimentary digital copy of **The BCCAT Manual for Decision-Making.** This edition of the manual is written in modern language, and its new layout, updated content, and helpful precedents have all contributed to ensure it is a valuable reference.

The BCCAT Manual for Decision-Making outlines the basics of administrative law and how its principles are applied when decisions are made by those with the authority to do so.

The manual is both a primer and a reference as you navigate your way through an administrative law process. While the answer to many questions may ultimately be "it depends", the manual attempts to narrow down the factors on which "it" depends and provide guidance to people who make decisions.

Ben Naylor, Mark Mancini and Kiarash Izadifar collaborated on this edition and BCCAT would like to thank them again for their dedication and hard work.

Non-member and student pricing are also available.

CASE COMMENT

"Democracy Watch v Canada: More to Come"

Mark Mancini

The Supreme Court of Canada's decision in Democracy Watch v Canada (Attorney General), 2026 SCC 28, is momentous for anyone operating in the administrative justice system.

In a nutshell, a unanimous Supreme Court held that all aspects of an administrative decision must be available for review on the basic grounds of legality. This includes issues of law, fact, or evidence. To that extent, a privative clause barring review on any of these grounds is inoperative to the extent that it trenches on that constitutionally guaranteed core.

The ruling will have a ripple effect across the administrative justice system and will require a reckoning from legislative drafters. Courts, too, will have to work out its implications.

This is what the British Columbia Court of Appeal had to do in 1197785 B.C. Ltd. v. 1315949 B.C. Ltd., 2026 BCCA 365. This was a request for a reopening and reconsideration of five appeals that were dismissed by the Court, holding that the underlying decisions were not patently unreasonable. The appellant requested a reopening and reconsideration of the appeal based on Democracy Watch and its newfound relevance for patent unreasonableness.

The Court had to grapple with whether the basic requirement of legality review, set out in Democracy Watch, called into question the patent unreasonableness standard of review enshrined in s. 58 of the Administrative Tribunals Act. The Supreme Court abolished patent unreasonableness as a common-law standard in Dunsmuir v New Brunswick, 2008 SCC 9: it was concerned that it could shelter unreasonable decisions from curial correction. But in Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65, the Court explicitly held that within the limits imposed by the rule of law, legislated standards of review are constitutional.

While the Court dismissed the request to reopen the appeal in this instance, it nonetheless highlighted Democracy Watch's impact. The Court noted that "[w]hile aspects of the reasoning in Democracy Watch may potentially open the door to the argument the appellant wishes to advance, this is not the case to address it" (at para 13). However, this day could come, and when it does, the impact will be widespread. As the Court noted, "[t]he patently unreasonable standard has been in effect for a long time and affects many administrative tribunals in this province" (at para 13).

British Columbia remains the most prominent example of a jurisdiction which has decided to legislate a standard of review. Democracy Watch stopped short of constitutionalizing the reasonableness standard, so BC's choice is not obviously imperiled. Whether it will be upheld is a question for another day.

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Thank you for reading!