



BCCAT Fall 2017 Newsletter

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Message From The President



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The advent of sunshine to the west coast brought a flurry of activity at BCCAT as we co-hosted our joint symposium with the Canadian Council of Administrative Tribunals (CCAT) from May 28th – 30th at the Wall Centre in Vancouver. I would like to thank the many BCCAT members who presented or attended the joint symposium. Due to the great support of the administrative law community in BC, we hopefully will not have to wait long to partake in another national conference here in British Columbia.

On October 16, 2017, we will be hosting a one day conference at the Morris J Wosk Centre for Dialogue. I encourage you to attend if you are able. This year's conference will focus on practical knowledge for decision makers and tribunal staff and you will not want to miss the wine and cheese reception.

The Education Committee has partnered with CCAT to commence online offerings for some of our courses, which, once implemented, will permit individuals to learn from the comfort of home or office without having to incur travel expenses.

I encourage you to register for our August 23rd Roundtable Session and remind you that attendance at Roundtables is free with your BCCAT membership. Video/telephone attendance is now available as well so there is no reason to miss these informative lunch-time sessions.

Finally, BCCAT is run by its members for its members and could always use more volunteers. The Membership and Outreach Committee is seeking committee members. Please email membership@bccat.net if you are interested in learning more about this volunteer opportunity.

Emily C. Drown



Your Board of Directors



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

PMH Chartered Professional Accountant

Past President

Alison Narod

Community Care and Assisted Living Appeal Board

Directors

Kate Campbell

Workers Compensation Appeal Tribunal

John Mayr

BC Notaries

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

BCCAT ANNUAL CONFERENCE



BC COUNCIL OF
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SAVE THE DATE BCCAT ANNUAL CONFERENCE 2017

BCCAT annual conference is on October 16, 2017 at the Morris J Wosk Centre for Dialogue.

This year's conference will focus on practical knowledge for decision makers and tribunal staff, including:

- Freedom of Information Requests
- Privacy Concerns
- Technology Tips and Tricks
- Neutrality
- Admin Law Update
- Case Management and Pre-Hearing Skills
- Health and Safety (for Tribunals)

Don't miss out on this exciting educational opportunity complete with networking lunch and wine and cheese reception.



Decision-Maker's Manual



Resources at your Fingertips

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.



Membership



Membership Renewals are due

We invite you to renew your group membership to the BC Council of Administrative Tribunals (BCCAT). We encourage you to register now so your staff and appointees can benefit from BCCAT's services:

- ✓ Decision-maker's Manual (formerly called the Adjudicators Manual) – electronic access available for free to BCCAT members
- ✓ 1 free registration to a regular BCCAT course
- ✓ \$200 off each BCCAT course
- ✓ \$100 off for the **October 16th** annual education conference
- ✓ Free tickets to a roundtable event on administrative justice.

For more information, see: [BCCAT Membership & Benefits](#).

To renew your group membership:

- Renew your group membership via our website on-line.
- You will then be given an option to pay by cheque or credit card.
- [Email](#) BCCAT the attached sign up sheet, so we register each of your staff and appointees as BCCAT members and provide them with electronic access to the Decision-maker's Manual.

As BCCAT members, your staff and appointees can then make use of our membership discounts and benefits including our [2017 Conference](#) and regular [BCCAT training courses](#).

Thank you for your support. We look forward to serving you.

Course Dates



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Upcoming BCCAT Course Dates

Course Name	2017 Dates	Member Rates*	Non-member Rates**
Administrative Justice <i>Practice & Procedure for Decision Makers</i>	November 2, 3	\$500	\$700
Administrative Justice <i>Practice & Procedure for Staff Members</i>	October 27	\$300	\$450
Decision Writing Workshop	Nov 17, 18	\$500	\$700
Hearing Skills Workshop	Nov 23, 24	\$500	\$700
Administrative Justice <i>Practice & 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. BCCAT will even come to you to save on travel costs for your members, etc.

BCCAT Recognition Award



What is the British Columbia Council of Administrative Tribunals Recognition Award?

The BCCAT award is intended to recognize a person or persons for their outstanding contribution to the Administrative Justice System in B.C. The award may recognize a particular achievement or an individual's service over a period of time.

Who is eligible for the recognition award?

The Award is open to anyone who has made a contribution to the Administrative Justice system in B.C. Current Directors of BCCAT are not eligible.

Who can nominate persons for the Award?

Nominations for the Award will be accepted from any source. The recipient does not have to be a member of BCCAT.

Who selects the Award Recipients?

The Selection Committee consists of BCCAT's Board of Directors. The Committee may add to the list of nominees and will select the recipient(s) from the nominations field. The Committee reserves the right not to make an award in a given year.

Presentation of the Recognition Award:

The award is to be presented at a ceremony to be held each year in conjunction with BCCAT's Annual General Meeting.

Deadline for Receipt of Nominations:

Nominations must be received by the Selection Committee not later than September 1 for that year's award.

[Nomination Form](#)

BCCAT Recognition Award



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BCCAT Recognition Award	Award	Date
Paul Petrie	Contribution	2002
Walter Pylypchuk	Contribution	2006
Hunter Litigation Chambers law group	Contribution	2008
Frank Falzon	Contribution	2008
Heather MacNaughton	Contribution	2009
Cheryl Vickers	Contribution	2009
Simmi Sandhu	Contribution	2013
James Collins	Contribution	2013
Iain Macdonald	Contribution	2014
Steve Guthrie	Contribution	2013
Debbie Broadbent (former BCCAT assistant)	Appreciation	2013

BCCAT President Award	Award	Date
John Hall	President (96-98)	2009
Bernd Walter	President (98-00)	2009
Barbara Junker	President (00-04)	2009
Cheryl Vickers	President (04-06)	2009
Norma Edelman	President (06-08)	2009
Iain Macdonald	President (08-10)	2011
Simmi Sandhu	President (10-12)	2013
Helen del Val	President (12-13)	2014
Debbie Cameron	President (13-14)	2015

Update on the CRT



Update on the CRT – Small Claims since June 1, 2017

by Shelley Lopez

As of June 1, 2017, the Civil Resolution Tribunal (CRT) has jurisdiction over most small claims disputes valued at \$5,000 and under (exclusive of applicable interest, fees, and reasonable dispute-related expenses). This is in addition to the CRT's jurisdiction over strata property disputes, in effect since July 2016.

As with strata disputes, the CRT process is largely online and parties can access it when and from where it suits them. The CRT will provide oral translation services where required, for free. ServiceBC is also available around the province to assist parties who may have difficulty with using online tools.

The CRT is largely a collaborative dispute resolution model, with adjudication effectively as a last resort. The CRT's mandate is to provide dispute resolution services accessibly, quickly, economically, informally, and flexibly. The principles of law and fairness apply. The CRT also recognizes any relationships between parties to a dispute that will likely continue after the dispute resolution process has ended.

Here is what is key to know about the CRT's small claims jurisdiction:

- The Solution Explorer online has all new categories applicable to small claims. Try it out – it's free!
- The CRT's jurisdiction is limited to: debt or damages, recovery of personal property, specific performance of an agreement re personal property or services, and relief from opposing claims to personal property (see s. 3.1 of the Civil Resolution Tribunal Act (CRTA)).
- No jurisdiction over: ownership of land, libel, slander, malicious prosecution, for or against the "government" (which does not include local governments or Crown corps), areas over which another tribunal has exclusive jurisdiction (i.e. Residential Tenancy Branch, Workers' Compensation Board, Labour Relations Board), where there is a question of conflict between the Human Rights Code and another enactment, constitutional questions, enforcement of orders, or where the applicable statute empowers a "court" to grant the remedy.
- The CRT expects to see: creditor/debtor claims, contractual disputes (e.g. homeowner vs. contractor), consumer disputes, personal property disputes, and some employment where the Employment Standards Branch does not have jurisdiction.
- The CRT can order: a party to pay money, a party to do or stop doing something, anything the CRT considers appropriate within its s. 3.1 CRTA jurisdiction. See CRT rule 126.

Update on the CRT



- The limitation clock stops running when the Dispute Notice is issued by the CRT, not when the party earlier applied to the CRT (see s.14 CRTA). The CRT tries to issue the Dispute Notice the same day, but this cannot be guaranteed. When a party files a Notice of Objection or if the CRT refuses to resolve the dispute, the limitation clock resumes running. In short, watch your limitation periods, and don't wait to the last minute!
- Fees are similar to BCPC, but paid in stages, e.g. for small claims: \$75 to file online for a \$3,000 and under claim, \$100 for \$3,000-\$5,000. Filing a response online with the CRT is free. Requesting a decision is \$50. Fee waivers are available for eligible applicants.
- Service of the initiating notice (aka Dispute Notice) is called "providing notice" in our rules, and the allowed methods vary depending on the type of respondent. See CRT rules 62-71.
- Defaults: liability is assumed and there is a cancellation process essentially based on the Miracle Feeds case, much like in the BCPC. See s. 7 CRTA & CRT rules 72-82, 138-142.
- Self-representation is the general rule! See s. 20 CRTA. Parties can have a helper, but the party must participate directly unless the tribunal orders otherwise. An insurer who has exposure to pay damages can ask the CRT to be added as a party, but the insurer must still act through its own employee or officer, unless the tribunal permits representation. See also CRT rules 32-42.
- Appeal method under the CRTA for small claims is very different from strata, as for strata it is an appeal to the BCSC, with leave or by consent, on a question of law only.
- Small claims "appeal" is at the BCPC. The party first files a Notice of Objection with the CRT (s. 56.1 CRTA), and at BCPC it's basically a trial de novo. There are potential cost/deposit consequences of up to 120% of the claim value (see s. 56.3 CRTA). A party must file the Notice of Objection within 28 days after the CRT's decision was received by the party (more on this below).
- **3 ways the BCPC retains jurisdiction over the small claims process:**
 1. CRT refuses to issue a Dispute Notice or refuses to resolve the dispute (CRTA ss. 6 & 11)
 2. A party applies for, and obtains, an exemption order from the BCPC – must apply within 14 days of the response being filed with the CRT
 3. After the CRT's final decision, as noted above, any party may file a Notice of Objection with the CRT. Doing so renders the CRT's final decision unenforceable and the associated order will not be issued by the CRT. [A small claims Order is held by the CRT for 40 days after the associated decision is issued, to allow the appeal period to expire and is only provided to the parties if no Notice of Objection is filed.]

Recruitment for Committees



BCCAT needs YOU

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

****URGENT need for members for the Membership and Outreach Committee. Help us grow and target our members with worthwhile educational opportunities and maybe even write the occasional article for the newsletter.*

BCCAT is run by its members for its members.



Newsletter Submissions



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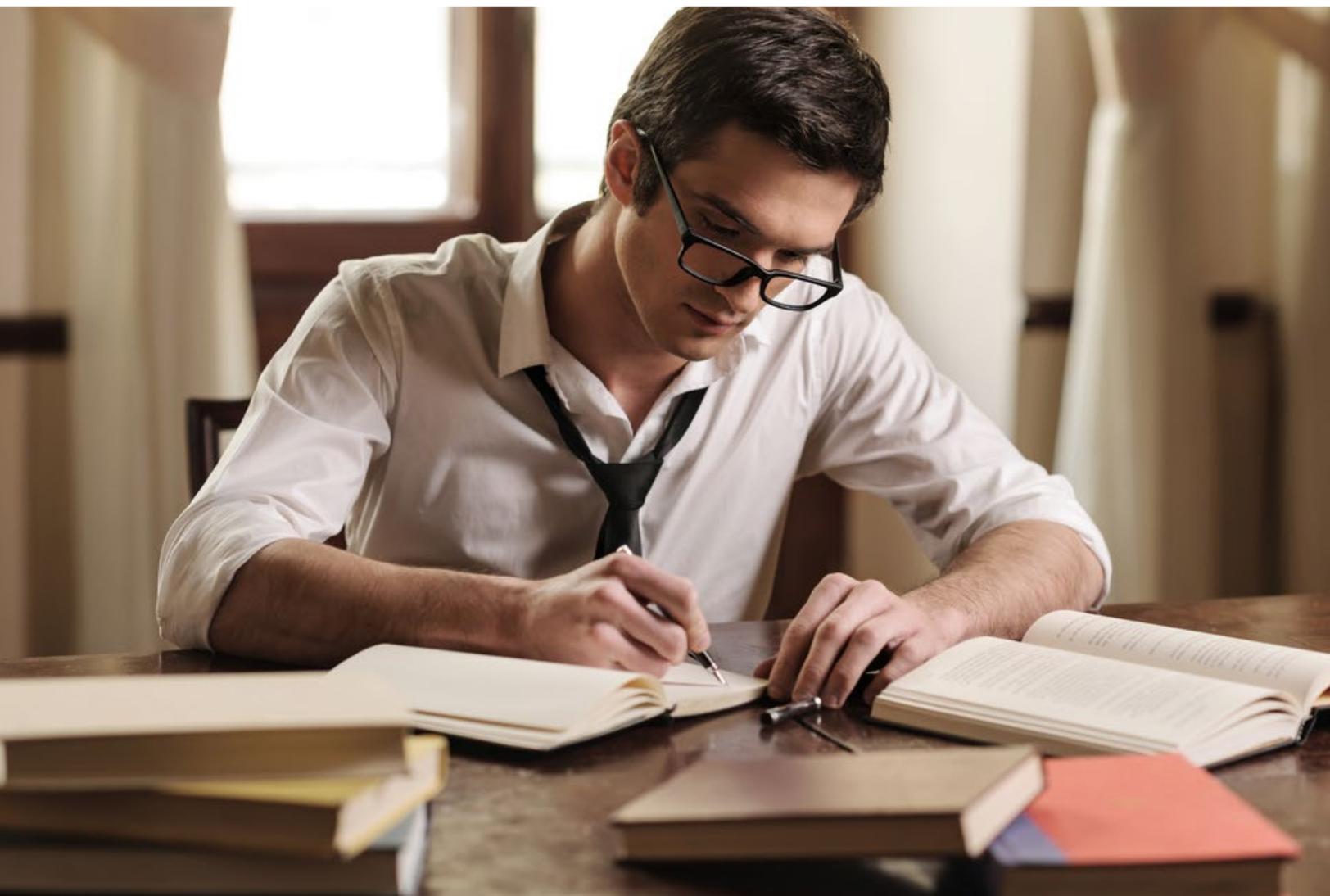
Request for Newsletter Submissions

Do you love to write?

Are you secretly an author seeking a wide and appreciative audience?

BCCAT's Outreach and Membership Committee seeks submissions for inclusion in the next newsletter.

Submissions with administrative law content should be sent to membership@bccat.net for consideration.



Donations Sought



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The Conference Committee is seeking donations

The Conference Committee is seeking donations for door prizes at the upcoming event on October 16, 2017.

If you are able to donate an item, please contact Lisa at executivedirector@bccat.net.



Roundtable Announcement



Don't miss BCCAT's next Roundtable at noon on August 23, 2017!

Independence Within the Framework of Consistency

Join a three person panel who will lead a discussion around this challenge that administrative justice professionals experience.

Discuss the importance of consistency in order to achieve fairness.

Explore the challenges of consistency in a high volume tribunal. How do you balance the need to issue a large number of decisions that are generally predictable and consistent with each other (and consistent with relevant legislation and policies) with the need for independent and impartial decision-making?

Discuss the challenges of adjudicating when each case stands on its own merits but within a larger framework where consistency is needed amongst decisions. Explore how these challenges are exacerbated when different members are writing decisions. Participate in the examination of recent challenges boards have encountered when internal decision-making consistency is altered.

How and Where to Join:

Location: 3rd Floor, 703 Broughton Street, Victoria**

Time: 12:00 - 1:00pm

Lunch will be provided.

****Members who can't attend in person will be able to join by Skype video conference call.** Register now and instructions on how to join will follow by email.

Members may register for this Roundtable by emailing registrar@bccat.net

Not a member yet? Click [here](#) to review membership options and [join soon](#) to receive a wide array of benefits such as BCCAT's very popular Decision-Maker's Manual.

Employment Opportunities



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Discipline Counsel, Discipline Group of Professional Regulation Department

Are you looking for an organization where the core values of excellence and integrity are more than just words on the wall? Join the Law Society of British Columbia. Our staff, volunteers and Benchers are committed to one common goal: upholding and protecting the public interest in the administration of justice.

The Law Society of British Columbia's Discipline Group of the Professional Regulation Department is seeking a full-time, permanent Discipline Counsel. This position plays an integral role in assisting the group to fulfill its responsibilities in carrying out the directions of the Discipline Committee, including the effective representation of the Law Society in citation hearings and related proceedings and reviews before Law Society tribunals and, occasionally, the Supreme Court of BC and the BC Court of Appeal. The position also provides advice and assistance to Benchers and staff on discipline and related policy matters.

The duties of this position include:

- Representation of the Law Society in hearings of citations authorized by the Discipline Committee, including all hearing preparation, pre-hearing applications, and advice related to sanctions and consent resolutions of citations.
- Representation of the Law Society in internal reviews of disciplinary decisions and, occasionally, appeals of discipline decisions to the Court of Appeal.
- Working with and advising Professional Conduct lawyers and others in the effective investigation of possible discipline violations.
- Representation of the Law Society in interim proceedings related to extraordinary action
- Occasional representation of the Law Society in court applications related to the investigation and discipline processes.
- Such other duties as the Manager, Discipline and Unauthorized Practice, or Chief Legal Officer may require.



Qualifications

- Practicing membership with the Law Society of BC, or eligibility for membership.
- 7 year minimum of recent litigation experience, including extensive knowledge of rules of evidence and administrative law.
- A comprehensive understanding of the Law Society Rules and the Code of Professional Conduct for British Columbia considered an asset.
- Experience with prosecution or defence in the criminal or other professional regulatory contexts considered an asset.
- Superior writing skills in addition to excellent interpersonal and communication skills.
- Demonstrates a high level of advocacy skills, judgment, discretion, and attention to detail.
- Ability to meet changing deadlines while working in a highly stressful environment.

The terms and conditions of the collective agreement between the Law Society of BC and the Professional Employees Association apply to this position.

This position is within the Discipline Counsel job classification and the salary range for this position is \$125,257.77 to \$132,069.84.

To apply, please visit our careers page at www.lawsociety.bc.ca or email your cover letter and resume to personnel@lsbc.org with the subject "Discipline Counsel." The closing date for this competition is September 1, 2017. We thank all applicants for their interest; however, only those candidates selected for an interview will be contacted. This position is located at the Law Society of British Columbia office in the Yaletown area of Vancouver, BC.

845 Cambie Street
Vancouver, British Columbia
V6B 4Z9

Employment Opportunities



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Where ideas work

BC Ministry of Social Development and Poverty Reduction Multiple locations

Investigative Officer

Salary \$50,857.18 - \$57,781.28 annually

This posting is to establish an eligibility list to fill full-time, part-time and temporary positions as they arise in locations across the province.

The Prevention and Loss Management Services Branch (PLMS) is a dynamic, progressive organization that preserves the integrity of programs within the Ministry of Social Development by leading and coordinating a loss management framework that includes prevention, compliance, service quality and enforcement.

As an Investigative Officer, you maintain and enhance the integrity of the Ministry's programs and services and reduce or minimize financial losses by conducting reviews to verify eligibility and review and assess allegations of misrepresentation. With your effective research skills, you access and collect information, interview stakeholders and identify and refer serious allegations of fraudulent activity for criminal investigations. You ensure compliance with legislation and regulations and make decisions and recommendations on appropriate action, including the imposition of sanctions or termination of Employment and Assistance benefits. In addition to building and maintaining stakeholder relationships, you perform a preventative and educational role within a loss management framework, identifying, analyzing and contributing to the development and implementation of loss prevention and service quality policies and best practices.

Qualifications for this role include:

- Post-secondary degree and a minimum of one year related experience; or
- Post-secondary diploma and a minimum of two years related experience; or
- One year of completed post-secondary education and a minimum of three years related experience;
or
- High school diploma and four years related experience.

Employment Opportunities



Related Experience

- Experience in gathering confidential, legal and/or personal information; and
- Experience in conducting interviews, fact finding, and determining appropriate action; and
- Experience in reviewing financial information and analyzing documents; and
- Experience writing formal decisions, documenting conclusions, and preparing information summaries.

Work Experience

- Experience using standard business software, for example word processing, spreadsheets, presentations, and other electronic applications. Recent experience may be given preference.
- An equivalent combination of education, training and experience may be considered.

For more information and to apply by August 16, 2017, please go to:

<https://search.employment.gov.bc.ca/cgi-bin/a/highlightjob.cgi?jobid=43199>