

APPLICATION OF ADMINISTRATIVE TRIBUNALS ACT (ATA) TO INDIVIDUAL ADMINISTRATIVE TRIBUNALS¹

This table is provided for convenience purposes only. All attempts have been made to maintain its accuracy and it may be updated from time to time. To ensure accuracy of the application of ATA provisions to an administrative tribunal, please consult the tribunal's enabling legislation.

Tribunal	ALC	BCAB	BCRB	CCALAB	EAAT	EAB	EST	Farm IRB ²	FIComm	FST	Forest PB	HAB	HRT	HPRB	ITAB	LRB	MAB	MHRP	PTB	PAAB	PARP	SC	SSAB ³	UC	WCAT
ATA Provision																									
<u>Section 1:</u> Definitions	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	P ⁴	X	X	X	X	X	X
<u>Section 2:</u> Chair's initial term and reappointment	X	X	X	X	X		X	X	X		X	X		X	X	X	X	X	X	X		X	X	X	
<u>Section 3:</u> Member's initial term and reappointment	X	X	X	X	X		X	X	X	X	X	X		X	X	X	X	X	X	X		X	X	X	
<u>Section 4:</u> Chair's absence or incapacitation	X	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X		
<u>Section 5:</u> Member's absence or incapacitation	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	
<u>Section 6:</u> Temporary, non-renewable appointments	X	X		X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

¹ See last page of this Appendix for a list of these entities and acronyms.

² Pursuant to s. 3.1 of the *Natural Products marketing (BC) Act* (NPMA), sections 1 to 10, 27 to 30, 45, 46, 48, 57, 58 and 61 of the ATA apply to the FIRB in its role under that Act and under the *Farm Practices Protection (Right to Farm) Act* (FPPA). In addition, sections 11 to 20, 22, 24 to 26, 31 to 33, 34 (3) and (4), 35 to 42, 47, 49 to 52, 55 and 60 of the ATA apply to the FIRB, for the purposes of an appeal to the Board under s. 8 of the NPMA. For the purposes of carrying out its powers and duties under the FPPA, ss. 34 (3) and (4), 48, 49 and 56 of the ATA apply to the board.

³ The same provisions apply to the SSAB for appeals under the *Homeowner Protection Act*.

⁴ Where a section is marked with a "P", only a portion of the section applies to the tribunal. Check the enabling legislation to determine which portions are applicable.

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<u>Section 7:</u> Powers after resignation or expiry of term	X	X		X	P		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	
<u>Section 8:</u> Termination for cause	X	X	X	X	X		X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<u>Section 9:</u> Responsibilities of the chair	X		X	X	X		X	X		X	X	X	X	X	X	X	X	X	X	X			X	X	
<u>Section 10:</u> Remuneration and benefits for members	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	
<u>Section 11:</u> General power to make rules	X			X			X	X		X		X			X		X	X		X			X	X	X
<u>Section 12:</u> Practice directives the tribunal must make	X			X			X	X		X		X			X								X	X	
<u>Section 13:</u> Practice directives the tribunal may make	X			X			X	X		X		X			X			X		X			X	X	X
<u>Section 14:</u> General power to make orders	X			X			X	X		X		X			X		X	X		X			X		X
<u>Section 15:</u> Interim orders	X			X			X	X		X		X			X			X		X			X	X	X
<u>Section 16:</u> Consent orders				X			X	X		X		X			X					X			X		
<u>Section 17:</u> Discontinuance or settlement of application	X			X			X	X				X	X		X		X			P			X		

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ATA Provision																									
<u>Section 18:</u> Failure of party to comply with tribunal orders and rules	X			X			X	X		X		X			X			X		X	X		X	X	
<u>Section 19:</u> Service of Documents	X			X			X	X		X		X			X		X	X		X			X	X	
<u>Section 20:</u> Failure to serve does not invalidate proceeding	X			X			X	X		X		X			X		X	X		X			X	X	
<u>Section 21:</u> Notice of hearing by publication	X						X										X						X	X	
<u>Section 22:</u> Notice of appeal (inclusive of prescribed fee)				X				X		X					X								X		
<u>Section 23:</u> Notice of appeal (exclusive of prescribed fee)	X																								
<u>Section 24:</u> time limits for appeal	X			X				X		X					X								X		
<u>Section 25:</u> Appeal does not operate as a stay	X			X				X				X			X										
<u>Section 26:</u> Organization of tribunal				X				X				X		X	X			P	X				X		
<u>Section 27:</u> Staff of tribunal				X				X				X		X	X			X					X		
<u>Section 28:</u> Appointment of person to conduct dispute resolution process				X			X	X				X			X					X			X	X	X

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ATA Provision																									
<u>Section 29:</u> Disclosure protection				X			X	X				X	X		X		X			X			X	X	X
<u>Section 30:</u> Tribunal duties				X	X		X	X				X	X	X	X		X	X	X				X	X	X
<u>Section 31:</u> Summary dismissal	P			X				X		X		X			X				X	P			P		X
<u>Section 32:</u> Representation of parties to an application	X			X			X	X		X		X			X		X	X		X			X	X	X
<u>Section 33:</u> Interveners	X			X				X				X			X					X			X		
<u>Section 34:</u> Power to compel witnesses and order disclosure				X		P	P	P				X	P		P		P			P			P	P	
<u>Section 35:</u> Recording tribunal proceedings	X			X			X	X		X		X			X			X		X			X	X	P
<u>Section 36:</u> Form of hearing application	X			X			X	X							X		X	X					X	X	
<u>Section 37:</u> Applications involving similar questions	X			X			X	X		X		X			X					X			X	X	X
<u>Section 38:</u> Examination of witnesses				X			X	X		X		X			X		X	X		X			X	X	X
<u>Section 39:</u> Adjournments	X			X			X	X		X		X			X		X	X		X			X	X	
<u>Section 40:</u> Information admissible in tribunal proceedings	X			X			X	X		X					X		X	P		X	P		X	X	

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<u>Section 41:</u> Hearings open to the public				X				X		X					X		X		X				X	X	
<u>Section 42:</u> Discretion to receive evidence in confidence				X				X		X		X			X		X		X				X	X	X
<u>Section 43:</u> Discretion to refer questions of law to the court																X						X			
<u>Section 44:</u> Tribunal without jurisdiction over constitutional questions	X			X	X					X	X	X			X		X	X	X	X	X		X	X	X
<u>Section 45:</u> Tribunal without jurisdiction over <i>Canadian Charter of Rights and Freedoms</i>							X	X					X												
<u>Section 46:</u> Notice to Attorney General if constitutional issue raised in application							X	X					X			X						X			
<u>Section 46.1:</u> Discretion to decline jurisdiction to apply <i>Human Rights Code</i>													P			X						X			
<u>Section 46.2:</u> Limited jurisdiction to apply the <i>Human Rights Code</i>				X				X		X	X	X			X			X							
<u>Section 46.3:</u> Tribunal without jurisdiction to apply the <i>Human Rights Code</i>	X				X		X										X		X	X	X		X	X	X

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<u>Section 47:</u> Costs				P				X		X		X				P	X						X		
<u>Section 48:</u> Maintenance of order at hearings	X			X		X	X	X		X		X	X		X	X	X	X		X	X		X	X	X
<u>Section 49:</u> Contempt for uncooperative witness				X		X	X	X		X		X	X		X	X	X	X		X	X		X	X	X
<u>Section 50:</u> Decisions	X			X			P	X		X		X	X		X					P			X		
<u>Section 51:</u> Final decision	X			X			X	X		X		X			X					X			X		
<u>Section 52:</u> Notice of decision	X			X			X	X		X		X			X								X		X
<u>Section 53:</u> Amendments to final decision	X			X			X			X		X			X					X			X		
<u>Section 54:</u> Enforcement of final decision	X			X						X		X			X					X			X	X	
<u>Section 55:</u> Compulsion protection	X			X	X		X	X		X	X	X	X	X	X		X	X		X	X	X	X		X
<u>Section 56:</u> Immunity protection					X	X	X			X		X	X	X	X	X	X	X		X	X		X	X	X
<u>Section 57:</u> Time limit for judicial review	X			X			X	X		X		X	X		X	X	X	X	X				X		X
<u>Section 58:</u> Standard of review with privative clause	X			X	X		X	X		X		X			X	P				X			X		X
<u>Section 59:</u> Standard of review if no privative clause													X				X	X							

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<u>Section 60:</u> Power to make regulations	P			X			P	X		X		P			P		P	P		P			X	P	P
<u>Section 61:</u> Application of <i>Freedom of Information and Protection of Privacy Act</i>	X		X	X	X		X	X		X		X	X		X	X	X	X	X	X	X		X	X	X

LIST OF TRIBUNALS AND ACRONYMS

Acronym	Tribunal	Acronym	Tribunal
ALC	Agricultural Land Commission	HRT	Human Rights Tribunal
BCAB	Building Code Appeal Board	ITAB	Industry Training Appeal Board
BCRB	British Columbia Review Board	LRB	Labour Relations Board
CCALAB	Community Care and Assisted Living Appeal Board	MAB	Mediation and Arbitration Board
EAAT	Employment and Assistance Appeal Tribunal	MHRP	Mental Health Review Panels
EAB	Environmental Appeal Board	PAAB	Property Assessment Appeal Board
EST	Employment Standards Tribunal	PARP	Property Assessment Review Panels
Farm IRB	Farm Industry Review Board	PTB	Passenger Transportation Board
FIComm	Financial Institutions Commission	SC	Securities Commission
Forest PB	Forest Practices Board	SSAB	Safety Standards Appeal Board
FST	Financial Services Tribunal	UC	Utilities Commission
HAB	Hospital Appeal Board	WCAT	Workers Compensation Appeal Tribunal
HPRB	Health Professions Review Board		