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INTRODUCTION

Purpose and currency of checklist. This checklist is designed to be used with the CLIENT IDENTIFICATION AND VERIFICATION PROCEDURE (A-1) checklist. It is intended for use by counsel representing the complainant or the respondent in proceedings before the British Columbia Human Rights Tribunal (the "tribunal"). Most procedures are the same for both the complainant and the respondent, but where procedures differ, the checklist refers specifically to one or the other. This checklist is current to August 1, 2015.

New developments:

- **Code of Professional Conduct for British Columbia (the "*BC Code*").** In July 2015, rule 3.7-9 was amended to require that a lawyer promptly notify the client, other counsel, and the court or tribunal of the lawyer's withdrawal from a file.
- **Law Society Rules.** On July 1, 2015, revised and consolidated Law Society Rules came into effect. For a redlined version of the draft renumbered rules, providing background information and a historical table showing the new and old numbers assigned to each rule, see www.lawsociety.bc.ca/docs/newsroom/highlights/Draft-LawSocietyRules2015-redlined.pdf.
- **Articled students permitted to act as commissioners for taking affidavits.** Effective September 1, 2015, articled students and temporary articled students will be prescribed as persons who are commissioners for taking affidavits in British Columbia: B.C. Reg. 142/2015, pursuant to s. 60(l) of the *Evidence Act*, R.S.B.C. 1996, c. 124. Principals remain responsible for students' actions and will need to ensure that students understand the effect of acting as commissioner.
- **Revised Forms.** On February 11, 2014, the tribunal revised its forms: see www.bchrt.bc.ca/forms/index.htm.
- **Amended Rules.** On July 15, 2014, the tribunal published amended Rules of Practice and Procedure ("BCHRT Rules"), which apply to all complaints as of that date, with certain exceptions. Information regarding the application of the amended Rules of Practice and Procedure may be found on the tribunal's website at www.bchrt.bc.ca.

Of note:

- **Additional resources.** The BCHRT Rules, as well as practice directions, forms, guides and information sheets, are published on the tribunal's website at www.bchrt.bc.ca. See also Continuing Legal Education Society of British Columbia resources: *Human Rights Conference—2014* (CLEBC, 2014); *BC Administrative Law Practice Manual* (CLEBC, 2012); *Administrative Law Conference—2014* (CLEBC, 2014); and annual editions of the *Annual Review of Law & Practice*.

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CHECKLIST

1. INITIAL CONTACT

1.1 Confirm compliance with the Law Society Rules 3-98 to 3-109 on client identification and verification; complete the client identification and verification procedure (A-1) checklist. If the client is a company, note the rules about verifying the identity of the company and the individual(s) instructing you on behalf of the company.

1.2 Determine whether there is a conflict of interest. See *Code of Professional Conduct for British Columbia* (the "*BC Code*"), s. 3.4 and the model conflicts of interest checklist on the Law Society website at www.lawsociety.bc.ca/docs/practice/resources/checklist-conflicts.pdf. Ensure that the client has not retained another lawyer or commenced another proceeding relating to the complaint (see also item 1.5.2).

1.3 Advise the client to list all potential witnesses and, if possible, to obtain their full names, addresses, and telephone numbers.

1.4 Ask the client to collect all relevant records and notes and to prepare a memorandum of the facts (including sketches or photographs, where appropriate), and bring this material to your meeting.

1.5 During initial contact or initial interview:

.1 Determine if the client is a union member. If so:

(a) Is the union aware of the human rights issue, and has a grievance been filed?

(b) If a grievance has been filed, at what stage is the proceeding?

.2 Determine if the client is unable to work because of the discriminatory issues. If so, is the employee entitled to claim for disability benefits or workers' compensation?

(a) If so, have those claims been initiated in a timely fashion?

(b) If not, should claims be initiated?

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1.6 Advise the client as to the relevant general legal principles.					
1.7 During initial contact or the initial interview decide whether to accept the case, considering:					
.1 The time limits for the complaint.					
.2 The duty to make legal resources available to the public (see *BC Code* rule 2.1-5(c)); whether declining to represent this person would make it difficult for him or her to find counsel at all.					
.3 The amount of fee and whether it would be paid.					
.4 A lawyer's special responsibility to respect the requirements of human rights laws (*BC Code*, s. 6.3.).					
.5 That a lawyer must not abuse the tribunal's process by instituting proceedings that, although legal, are clearly motivated by malice on the client's part and are brought solely for the purpose of injuring the other party (*BC Code*, rule 5.1-2(a)).					
1.8 If you do not wish to act:					
.1 Advise the caller, and, if the caller does not know how to find another lawyer, suggest names of other lawyers or give them information about how to contact Lawyer Referral.					
.2 Record the advice given, and file it in your records. Consider sending the caller a non-engagement letter (for samples, see the Law Society website at www.lawsociety.bc.ca/page.cfm?cid=1583&t=Model-Non-Engagement-Letters).					
2. INITIAL INTERVIEW					
2.1 Keep a record of the interview, either by taking notes or by taping (with the client's consent).					
2.2 Determine the client's objectives and expectations. See also item 1.7.					
2.3 Discuss the tribunal process, including the various stages, the overall length, and the estimated cost. Advise that you do not guarantee success. (Note that there is no system of awarding costs against unsuccessful parties; costs may be ordered only if one of the parties engages in improper conduct during the course of the complaint, or contravenes a rule, decision, order, or direction of the tribunal, or both (BCHRT Rule 4(2) and (3) and *Human Rights Code*, R.S.B.C. 1996, c. 210, s. 37(4)).)					
2.4 Advise the client how your account is calculated, the method and timing of payment, and the conditions on which you undertake to act; see *BC Code*, s. 3.6 (Fees and Disbursements). It is advisable to finalize a fee arrangement early, and in writing. If possible and appropriate, have the client sign a fee agreement at the initial interview. Note that Law Society Rule 3-59 places restrictions on all cash transactions and regulates the circumstances in which a lawyer can accept $7,500 or more in respect of any one client matter or transaction. There is no limit on cash received for a retainer commensurate with the legal services to be provided. Law Society Rule 3-70 contains requirements for recording cash transactions in a cash receipt book of duplicate receipts with signatures and other particulars.					

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2.5 Satisfy yourself that the client is competent to give instructions. (See *BC Code* rules 3.2-9 and 3.3-1, commentary [10].)					
2.6 If the case is complex, unusual, or outside your usual area of practice, consider consulting other counsel or declining to act.					
2.7 Get particulars of any settlement proposals made by the potential opposing participant's counsel.					
2.8 Complete an initial interview checklist (see the general litigation procedure (E-2) checklist or the personal injury plaintiff's interview or examination for discovery (E-3) checklist for an example). Obtain information on matters such as:					
.1 Client.					
(a) Full name, address, telephone numbers, email address, occupation, age.					
(b) Any other details relevant to the type of complaint.					
.2 Fact pattern that gave rise to the complaint.					
(a) Full particulars of what happened, as well as when and where it happened.					
(b) Parties to the complaint. If representing the complainant, identify all potential respondents and intervenors. If representing the respondent, determine whether there is a right to add others to the proceeding.					
(c) Witnesses.					
(d) Evidence, such as statements and photographs.					
.3 Damages sustained by the client.					
.4 Damages sustained by other potential participants, and any right of set-off.					
.5 Whether any other complaints, charges, or proceedings related to the complaint have been commenced against any of the participants.					
2.9 Consider the relevant facts and law, and give the client a preliminary opinion as to the advisability of proceeding with the complaint. If you advise proceeding, assess the potential awards or remedies.					
2.10 Discuss settlement, strategy, and the risks of proceedings. (Encourage compromise or settlement if it is possible to do so on a reasonable basis. Discourage the client from commencing or continuing useless legal proceedings. See *BC Code* rule 3.2-4.)					
2.11 Obtain a retainer, if appropriate, and instructions defining the extent of your authority. Also consider the form of retainer, who will give instructions, and to whom you will report.					
2.12 Consider the possibility of retaining experts; discuss the expense with the client and emphasize the necessity of expert support in appropriate cases. Obtain instructions.					
2.13 Obtain executed authorization forms for release of information, such as medical information, employment information, and any other information required to be released.					

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2.14 Ask the client to provide you with any other documentary evidence that is, or may be, relevant. Explain the client's duty to disclose all relevant, or possibly relevant, documents.					
2.15 Discuss employing an investigator.					
2.16 Give any other instructions or advice relevant to the type of complaint.					
3. FOLLOW-UP FROM INITIAL INTERVIEW					
3.1 Determine limitation periods and diarize notable dates.					
3.2 Send a letter to the client:					
.1 Confirming your retainer and setting out the manner in which the fees, disbursements, interest, and taxes will be determined. Consider *Legal Profession Act*, Part 8; Law Society Rules, Part 8; and *BC Code*, s. 3.6 in regard to the rules regarding reasonable fees and disbursements. See also commentary [1] to rule 3.6-3 regarding the duty of candour owed to clients respecting fees and other charges. If you will be providing a limited scope of legal services, ensure that the client understands the limited scope of the retainer and the risks associated with the limits on the services you will provide. *BC Code* rule 3.2-1.1 requires that, before undertaking a "limited scope retainer" (a defined term in rule 1.1-1), you must advise the client about the nature, extent, and scope of the services you can provide and must confirm in writing as soon as practicable what services will be provided. Also be aware of the obligations in *BC Code* rules 3.1-2, 7.2-6, and 7.2-6.1. Note that rule 3.2-1.1 regarding "limited scope retainers" does not apply to situations in which you are providing summary advice, for example, over a telephone hotline or as duty counsel, or to an initial consultation that may result in the client retaining you. If you are providing "limited legal services" of a summary nature (not the same as a "limited scope retainer") under the auspices of a not-for-profit organization with the expectation by you and the client that you will not provide continuing representation in the matter, note *BC Code* rules 3.4-11.1 to 3.4-11.4 regarding conflicts and confidentiality.					
.2 Enclosing a copy of the record of the interview.					
.3 Confirming your instructions from the client.					
.4 Giving or confirming your recommendations to the client.					
.5 Asking the client to sign and return a copy.					
3.3 Send a letter to the opposing participant's counsel:					
.1 Advising of your involvement.					
.2 Requesting copies of any statements or other documents signed by the complainant.					
.3 Revoking previously signed authorizations, if required.					
3.4 Open file: note relevant dates and place checklist(s) in file.					
3.5 Conduct searches and obtain certified copies of documents, as required.					

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4. BEFORE COMMENCING PROCEEDINGS					
4.1 Send demand letters to potential respondents, if appropriate.					
4.2 Send letters to other involved participants, if appropriate.					
4.3 Start collecting and verifying all the facts. Consult every source, including every document that may be relevant and any person who may have information.					
4.4 Study the relevant law in sufficient detail to enable you to identify all potential strategies and remedies.					
5. FILING THE COMPLAINT					
5.1 File the complaint within the six-month time limit (BCHRT Rule 12; Human Rights Code, s. 22(1) and (2)).					
5.2 Provide addresses for delivery to all participants and to the tribunal (BCHRT Rule 8(2)).					
5.3 Unless the tribunal directs otherwise, according to BCHRT Rule 10(3) and (4), all communications with the tribunal must:					
.1 Be addressed to the registrar or case manager.					
.2 Include the complainant's name and case number.					
.3 Include the names of the participants to whom a copy of the communication will be delivered.					
5.4 The tribunal or a participant may deliver a communication to a participant by regular mail (which is deemed to be delivered seven days after it was mailed, unless there is evidence to the contrary), or by registered mail, or by hand, courier, process server, fax, email, or alternative methods by order of the tribunal (BCHRT Rule 11(1), (2), and (3)). If the tribunal requires proof of delivery, an affidavit or testimony from the deliverer, a copy of Canada Post's registered mail confirmation, a fax transmittal record or email confirmation may be provided (BCHRT Rule 11(4)).					
5.5 Complete the complaint form (Form 1.1—Individual Complaint Form; BCHRT Rule 12(1)), and have the complainant sign.					
5.6 Determine who the respondents will be, and identify them clearly.					
5.7 Provide details of the alleged discrimination in the complaint form, considering whether evidence will be available to support the allegations. Ensure the details reflect the actual fact pattern, and ensure there are sufficient facts to establish the relief sought.					
5.8 If the complainant is making the complaint on behalf of another person, the complainant must complete and file Form 1.2—Complaint for Another Person. If the complainant is making the complaint on behalf of a group or class of persons, the complainant must complete and file Form 1.3—Complaint for Group or Class (BCHRT Rule 12(1)).					
5.9 File the complaint by mail, fax, email, hand, courier, or process server (BCHRT Rule 10(2)).					
5.10 If another proceeding may resolve the complaint, the tribunal may defer the complaint pending the outcome of that proceeding (*Human Rights Code*, s. 25(2); and see Step 5 of the complaint form and BCHRT Rule 16).					

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5.11 Consider an early settlement meeting (see Step 7 of the complaint form).					
6. COMPLAINT FILED OUT OF TIME/TRIBUNAL LACKS JURISDICTION					
6.1 If the complaint will be filed after the time limit, the complainant must complete Step 4 of the complaint form to request that the tribunal accept it after the time limit.					
.1 The tribunal may accept a late complaint if:					
(a) It is in public interest to accept the complaint.					
(b) No substantial prejudice will result to anyone because of the delay (*Human Rights Code*, s. 22(3); BCHRT Rule 12(3)).					
.2 The respondent, upon receiving the tribunal's letter advising of complainant's request, must complete Form 4—Time Limit Response, deliver a copy to the other participants, and file the original with the tribunal within the time allowed (BCHRT Rules 12(6) and 28(3) to (6)).					
.3 If the complainant wishes to reply, the complainant must complete Form 5—Time Limit Reply, deliver a copy to the other participants, and then file the original with the tribunal within the time allowed (BCHRT Rule 12(6)).					
.4 Participants receive the tribunal's decision.					
6.2 The tribunal has jurisdiction only over complaints that allege facts that, if proven, could be a contravention of the *Human Rights Code* against each person named as a respondent (BCHRT Rule 12(2)).					
Before deciding whether to accept a complaint for filing, the tribunal may provide the complainant with an opportunity to file further or clarifying information. If it does so and the complainant files an amendment within the time allowed by the tribunal, the amended complaint will be treated as if filed on the day the complaint was first filed (BCHRT Rule 12(4) and (5)).					
If the complaint cannot be accepted for filing, the tribunal will advise the complainant of the reasons.					
7. RESPONDING TO THE COMPLAINT					
7.1 The respondent receives a copy of the complaint with the tribunal's notice advising that it has accepted the complaint for filing (BCHRT Rule 13(1)).					
7.2 The respondent must complete a Form 2—Complaint Response, deliver a copy to the other participants, and file the original with the tribunal within the time allowed (BCHRT Rule 18).					
.1 To request an extension of time to respond to a complaint, a respondent must notify the tribunal of the length of the extension requested and of either the other party's consent or the reasons for the request (BCHRT Rule 18(7)). See also BCHRT Rule 18(8) and (9).					

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7.3 If a respondent does not respond to a complaint within the time allowed, the address at which the tribunal notified the respondent of the complaint will be deemed to be the respondent's address for delivery (BCHRT Rule 18(10)(a)). Without consulting the respondent, the tribunal will determine whether the hearing will be by affidavit, in person, or in any other format, and any dates in relation to the hearing (BCHRT Rule 18(10)(b)). The tribunal may order the respondent to pay the costs incurred by any other participant as a result of the failure to respond within the time allowed; and make any other decision or order the tribunal considers appropriate in the circumstances (BCHRT Rule 18(10)(c)).					
7.4 Advise the client and obtain instructions to defend the complaint. Also determine whether facts or any liability will be admitted.					
7.5 Examine the complaint form and consider:					
.1 Whether the respondent is correctly named in the complaint form (although note BCHRT Rule 4(6) regarding technical defects).					
.2 Whether the complaint discloses (alleges) discrimination contrary to the *Human Rights Code*.					
.3 Consequences of not defending the complaint.					
.4 Whether the tribunal has jurisdiction over the complaint.					
.5 Whether there is sufficient information to enable the respondent to respond properly.					
.6 Any admission made by the complainant.					
.7 What evidence will be required to support and counter the complainant's allegations, and whether it is available.					
.8 Any presumptions of law that may work for or against the respondent.					
7.6 Consider an early settlement meeting if the tribunal's letter advises that the complainant is interested in exploring settlement. Note the date for responding.					
.1 If the respondent advises the tribunal of its interest within the time allowed, and the tribunal has confirmed a date for the settlement meeting, the tribunal may extend the time for the respondent to file a Form 2—Complaint Response and will advise the parties of the maximum length of the extension (BCHRT Rule 18(4) and (5)).					
7.7 Consider applying to defer the complaint pending the outcome of another proceeding, under *Human Rights Code,* s. 25. The application may be made by completing Step 5 of the Form 2—Complaint Response or at any time under BCHRT Rule 16(3) by application to the tribunal using Form 7.1—General Application (BCHRT Rule 28(1)). If a respondent applies under BCHRT Rule 16(3) to defer a complaint at least 14 days prior to the date the response is due, the time for responding to the complaint is extended to 21 days from the date of the tribunal's decision denying the application or, if deferral is granted, 21 days from the date the deferral ends (BCHRT Rule 18(6)).					

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7.8 Consider applying to dismiss the complaint under *Human Rights Code*, s. 27 or 27.5, or on the basis of the complainant's refusal to accept a reasonable with prejudice offer to settle the complaint (BCHRT Rule 19(4)).					
.1 The application (Form 7.2—Dismissal Application) must be delivered and filed within the time limited (BCHRT Rule 19(5)).					
.2 Consider whether sworn testimony in the form of an affidavit is required to support the application to dismiss.					
.3 An extension of time may be available by consent or upon application using Form 2—Dismissal Application (BCHRT Rule 19(5)).					
NOTE: A respondent must comply with BCHRT Rule 20 (Disclosure Requirements) upon filing an application to dismiss the complaint without a hearing (BCHRT Rule 20(7)).					
8. PRE-HEARING MATTERS					
8.1 Consider the following pre-hearing steps:					
.1 Request for an expedited hearing or alternate process under BCHRT Rule 17. An application (using Form 7.1—General Application; BCHRT Rule 28(1)) must state the reason for the request, a description of the requested changes to the tribunal's process and timelines, and how granting the request will further the just and timely resolution of the complaint (BCHRT Rule 17(2)).					
.2 Whether any pre-hearing applications should be made (see item 11).					
8.2 Begin to prepare the case, ensuring continuing preparation, review, and reporting (see item 6 of the GENERAL LITIGATION PROCEDURE (E-2) checklist). For example:					
.1 Research the law. Prepare a memorandum of law, including the basis of complaint, defences, possible arguments, remedies, etc.					
.2 Organize and review documents. Collect all documents from the client and other participants. Ensure that the client understands the scope of disclosure required. Review documents and determine relevance.					
.3 While conducting the case, periodically assess the adequacy of the research and evidence, and update or modify when required. Consider any possible change in the position of the participants.					
.4 Report to the client on a regular basis.					
8.3 Witnesses and expert evidence (see also item 12 below).					
.1 List all prospective witnesses and find out whether they are represented by counsel. See *BC Code* rules 5.3 and 7.2-4 to 7.2-8 with respect to communicating with witnesses who may be represented by counsel or those who are unrepresented. No contact may be made with a witness who is represented by counsel, except through or with the consent of that person's lawyer. In the opinion of the Ethics Committee, a lawyer must notify an opposing party's counsel when the lawyer is proposing to contact an opposing party's expert. For the full opinion, see the Summer 2014 *Benchers' Bulletin*, p. 13.					
.2 Confirm availability of witnesses. Consider who will interview, or attend the interview of, prospective witnesses.					

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.3 Contact each person and attempt to arrange an interview. Prepare for interview, with reference to item 6.9 of the GENERAL LITIGATION PROCEDURE (E-2) checklist.					
.4 Determine who will appear to give evidence, and prepare witnesses. See item 6.9 of the GENERAL LITIGATION PROCEDURE (E-2) checklist.					
.5 Determine the need for expert evidence on any issue. Confirm that the expert does not have a conflict. Select and prepare experts, with reference to item 6.10 of the GENERAL LITIGATION PROCEDURE (E-2) checklist, and BCHRT Rule 21.					
8.4 Negotiation and settlement.					
.1 If acting for the complainant, consider whether it is appropriate to settle. Consider all relevant factors relating to liability and remedies.					
.2 Evaluate the case and determine the minimum settlement you consider acceptable.					
.3 Interview the client and explain the case in detail, discussing the advantages and disadvantages of settlement. (Encourage compromise or settlement if it is possible to do so on a reasonable basis. Discourage the client from commencing or continuing useless legal proceedings. See *BC Code* rule 3.2-4.) When you reach agreement, get written instructions.					
.4 Decide on negotiation strategy. Pursue negotiations, with reference to item 8 of the GENERAL LITIGATION PROCEDURE (E-2) checklist, and BCHRT Rules 14 and 15. See also item 10.					
9. COMPLAINT PROCESS					
9.1 Disclosure of remedy, documents, and witness lists.					
.1 Complainant (BCHRT Rule 20(2), (3), (4), and (6)).					
(a) Within 35 days (BCHRT Rule 20(6)) from the date on which the response is filed:					
(i) Delivers to the tribunal and to any other party details of the remedy sought under *Human Rights Code*, s. 37.					
(ii) Delivers to any other party a list and copies of all relevant documents.					
(iii) Delivers to the tribunal and to any other party a list of the witnesses the party intends to call at the hearing.					
.2 Respondent (BCHRT Rule 20(2), (3), (5), and (6)).					
(a) Within 70 days (BCHRT Rule 20(7)) from the date on which the response is filed:					
(i) Delivers to the tribunal and any other party a response to the details of the remedy sought by the complainant.					
(ii) Delivers to any other party a list and copies of all relevant documents.					
(iii) Delivers to the tribunal and to any other party a list of the witnesses the party intends to call at the hearing					

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.3 Both parties.					
(a) Disclosure is an ongoing obligation (BCHRT Rule 20(8)).					
(b) Consider agreeing to other dates for disclosure (BCHRT Rule 20(9)) and notify the tribunal of the dates agreed upon (BCHRT Rule 20(10)).					
9.2 If a case conference is scheduled (BCHRT Rule 27).					
.1 Confirm date and time.					
.2 Prepare for the case conference.					
.3 Attend the case conference.					
.4 Note any agreements or directions made at the case conference.					
10. SETTLEMENT MEETING					
10.1 Consider what process might work best at settlement meeting (BCHRT Rule 14).					
10.2 Explore alternative settlement options with the client.					
10.3 Receive confirmation of settlement meeting and settlement meeting agreement.					
10.4 Consider requesting further settlement meetings (BCHRT Rule 14(2)):					
.1 If the complaint settles, the complainant completes and files a complaint withdrawal form (Form 6; BCHRT Rule 15(1)).					
.2 Receive order of dismissal from the tribunal.					
11. APPLICATIONS					
11.1 BCHRT Rule 28 governs the making of any pre-hearing application, including to add a respondent (but see BCHRT Rule 25(2)) or to apply to be an intervenor (but see BCHRT Rule 13(3) and (4)).					
.1 Except in the case of an application to dismiss all or part of a complaint under *Human Rights Code*, s. 27 or s. 27.5, the applicant should first determine whether the other participants consent, oppose, or take no position regarding the application.					
.2 The applicant must complete, deliver, and file the application form (Form 7.1—General Application; BCHRT Rule 28(1)).					
.3 The tribunal may set a schedule for submissions, if required, or schedule a case conference to hear oral submissions (BCHRT Rule 28(2)).					
11.2 Amendment of complaint (BCHRT Rule 24) or response to complaint (BCHRT Rule 26).					
.1 Details may be added to allegations made in a complaint at any time by filing a Form 3—Amendment, and delivering a copy to the other participants (BCHRT Rule 24(1)).					
.2 Subject to BCHRT Rule 24(4), an allegation which, if proven, could establish a contravention of the *Human Rights Code* may be added to a complaint by filing a Form 3—Amendment, and delivering a copy to the other participants (BCHRT Rule 24(2) and (3)).					

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.3 An application to amend is required if the proposed amendment adds an allegation that occurred outside the time limit for filing a complaint under s. 22 of the *Human Rights Code,* where there is an outstanding application to dismiss the complaint or if the hearing date is less than four months from the date the amendment is filed (BCHRT Rule 24(4)).					
(a) The respondent may respond to an amended complaint by filing and delivering a Form 3—Amendment within 21 days of receiving the tribunal's letter advising that it has accepted the amended complaint for filing (BCHRT Rule 24(5)). If a respondent does not respond within the time allowed, the respondent's response to the complaint will be deemed to be the response to the amended complaint (BCHRT Rule 24(6)).					
.4 A respondent may amend the response to a complaint by filing a Form 3—Amendment and delivering a copy to the other participants (BCHRT Rule 26(1)).					
.5 An application to amend is required if the hearing date is less than four months from the date the amendment is filed (BCHRT Rule 26(2)).					
11.3 A party may apply to defer (BCHRT Rule 16(3) or *Human Rights Code,* s. 25) or dismiss (BCHRT Rule 19 or *Human Rights Code,* s. 27) a complaint. Note the time limits for filing an application to dismiss in BCHRT Rule 19(2), (3), and (4).					
11.4 A party may be added under BCHRT Rule 25:					
.1 A new complainant may be added by filing a separate complaint under BCHRT Rule 12 and applying under s. 21(6) of the *Human Rights Code* to have the complaints joined (BCHRT Rule 25(1)).					
.2 A respondent may be added to the complaint by following the procedures of BCHRT Rule 25(2) and filing a Form 7.1—General Application (BCHRT Rule 28(1)).					
11.5 See BCHRT Rule 13(3) and *Human Rights Code*, s. 22.1, regarding intervenors. Add any person or group allowed to intervene to your list of participants in the complaint.					
11.6 See BCHRT Rule 23(1) to request a document from another party, and BCHRT Rule 23(2) in regard to disclosure from a non-party.					
11.7 BCHRT Rule 30 governs applications for adjournments. Note the time limit of two full business days before the hearing (unless the information or circumstances forming the basis of the application have not come to your attention by that time).					
11.8 See BCHRT Rule 4(3) and *Human Rights Code*, s. 37(4) to apply for costs.					
11.9 Under *Human Rights Code*, s. 21(6), the tribunal may proceed with two or more complaints together if it is fair and reasonable to do so.					
12. HEARING					
12.1 See BCHRT Rules 5, 6, 21, 31, and 32.					
12.2 Receive the notice of hearing. Note the dates set for hearing.					

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12.3 Witnesses.					
.1 Request a summons from the tribunal by filing a completed Form 8—Order to Attend Hearing for each witness (BCHRT Rule 31(1)).					
.2 Receive an Order to Attend Hearing from the tribunal.					
.3 Serve summonses on witnesses within a reasonable time (BCHRT Rule 31(2)).					
.4 Note the date and method of service on the witness and the name of the person who served the witness, and keep proof of service, if any.					
.5 Determine whether any witnesses wish to swear an oath involving a religious text and arrange to have the religious text brought to the hearing (BCHRT Rule 32(9)).					
12.4 Consider whether you will require an interpreter or any other accommodation. If so, notify the tribunal at least 21 days before the hearing (BCHRT Rule 6(2)).					
12.5 The tribunal records hearings of complaints (BCHRT Rule 32(2)). Consider if you wish to have a copy of the audio recording and make application for a copy whether as an accommodation or for other reasons (BCHRT Rule 32(3); see also the tribunal's Practice Directive of February 17, 2015 regarding hearing recordings and transcripts).					
Consider whether you wish to have a certified transcript of all or part of a hearing and notify the tribunal to request directions (BCHRT Rule 32(5), (6), and (7)).					
12.6 Expert evidence.					
.1 Consider whether expert evidence is necessary.					
.2 Note the dates for the exchange of expert reports and summaries in BCHRT Rule 21 (90 days before the hearing; and 30 days after receipt of the report or summary for a response).					
12.7 Evidence.					
.1 The tribunal is not bound by the rules of evidence (*Human Rights Code*, s. 27.2).					
.2 Prepare copies of all documents you intend to put into evidence for the witness, the tribunal, and for every other participant (BCHRT Rule 32(10)).					
12.8 Legal authorities: prepare copies of legal authorities you intend to rely on (one for the tribunal and one for each other participant) (BCHRT Rule 32(11); see the tribunal's Practice Directive of March 31, 2003 regarding authorities).					
12.9 Consider whether to apply for costs (*Human Rights Code*, s. 37(4) and BCHRT Rule 4(3)).					
13. POST-HEARING					
13.1 Receive decision.					
13.2 Enforcement of order.					
.1 File with the tribunal a request for certified copy of the final decision containing the order (BCHRT Rule 34).					

LEGEND — **NA** = Not applicable **L** = Lawyer **LA** = Legal assistant ACTION TO BE CONSIDERED	NA	L	LA	DATE DUE	DATE DONE
.2 Consider filing a certified copy of the order with the British Columbia Supreme Court.					
13.3 Correcting decisions and orders. A request to correct a technical error in a written decision or order may be made in writing to the tribunal (BCHRT Rule 35).					
13.4 Judicial review:					
.1 Consider whether there are grounds for judicial review.					
.2 If there are grounds, file a petition under the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241, s. 2, within the time limit set by *Administrative Tribunals Act*, S.B.C. 2004, c. 45, s. 57 (generally 60 days from the date of the decision, subject to extension by the court).					
14. CLOSING THE FILE					
14.1 Send a letter to the client with your account, outlining the manner in which you arrived at the amount, and confirming that your engagement is complete.					
14.2 Once the account is paid, close the file.					
14.3 For guidance, see *Closed Files–Retention and Disposition*, July 2015, Appendix B at www.lawsociety.bc.ca/docs/practice/resources/Closed Files.pdf, where you will find suggested minimum retention and disposition schedule for specific documents and files (e.g., six years after final judgment or settlement).					