

LEGEND — NA = Not applicable L = Lawyer LA = Legal assistant or secretary ACTION TO BE CONSIDERED	NA	L	LA	DATE DUE	DATE DONE
<p style="text-align: center;">INTRODUCTION</p> <p>Purpose and currency of checklist. This checklist is designed to be used with the CLIENT IDENTIFICATION AND VERIFICATION PROCEDURE (A1) checklist. It is intended for use by counsel representing the complainant or the respondent in proceedings before the British Columbia Human Rights Tribunal (“BCHRT”). 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 March 1, 2010.</p> <p>New developments:</p> <ul style="list-style-type: none"> • Harmonized sales tax (“HST”). Most lawyers are obliged to collect goods and services tax (“GST”) in accordance with Part IX of the <i>Excise Tax Act</i>, R.S.C. 1985, c. E-15, and provincial sales tax (“PST”) in accordance with the <i>Social Service Tax Act</i>, R.S.B.C. 1996, c. 431. Effective July 1, 2010, PST will be eliminated and lawyers will instead be required to collect HST, also imposed under the <i>Excise Tax Act</i>. However, collection of PST will continue under rules established for the transition to HST. When billing for legal services provided before and after July 1, lawyers must charge PST and GST (but not HST) if 90% or more of the services are performed before July 1. If less than 90% of the legal services are performed before July 1, lawyers must charge PST, GST, and HST based on the proportion of services performed before and after July 1. PST collection requirements under the transitional rules continue until December 31, 2010. Further information about the PST, GST, HST, and transitional rules can be found at www.cra-arc.gc.ca/harmonization and www.gov.bc.ca/hst. <p>Client identification and verification. Law Society Rules 3-91 to 3-102 require lawyers to follow client identification and verification procedures when retained by a client to provide legal services, subject to various exceptions. See the CLIENT IDENTIFICATION AND VERIFICATION PROCEDURE (A1) checklist for further details.</p> <p>Cash transactions. Law Society Rule 3-51.1 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. On November 13, 2009, the Law Society amended this Rule to clarify its application in cases where cash retainers are received incrementally, and to indicate what procedure to follow where cash is received contrary to the Rule, but in a situation beyond the lawyer’s control.</p> <p>Additional resources. BCHRT Rules, Practice Directions, and Guides and Information Sheets are published on the BCHRT website at www.bchrt.gov.bc.ca. See also Continuing Legal Education Society of British Columbia resources, including: <i>Human Rights Conference—2009</i> (CLEBC, 2009); ; <i>Administrative Law Conference—2009</i> (CLEBC, 20079; <i>Administrative Law Conference—2008</i> (CLEBC, 2008); and annual editions of <i>Annual Review of Law & Practice</i>.</p> <p style="text-align: center;">CONTENTS</p> <ol style="list-style-type: none"> 1. Initial Contact 2. Initial Interview 3. Follow-up from Initial Interview 4. Before Commencing Proceedings 5. Filing the Complaint 6. Complaint Filed Out of Time/BCHRT Lacks Jurisdiction 7. Responding to the Complaint 8. Pre-hearing Matters 					

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9. Expedited Hearing 10. Standard Stream Process 11. Case-managed Process 12. Settlement Conference 13. Applications 14. Hearing 15. Post-hearing					
CHECKLIST					
1. INITIAL CONTACT					
1.1 Consider Law Society of British Columbia Rules on client identification and verification, and complete the CLIENT IDENTIFICATION AND VERIFICATION PROCEDURE (A1) checklist. Advise client to bring required information to initial interview. 1.2 Ask client to collect all relevant records and notes and to prepare a memorandum of the facts, including sketches or photographs, where appropriate, and bring to meeting. 1.3 Advise client to make note of all potential witnesses and, if possible, to obtain full names, addresses, and telephone numbers. 1.4 Ensure that client has not consulted another lawyer and that another proceeding relating to the complaint has not already been started (see also item 1.6). 1.5 Find out when and where the cause of complaint arose and determine whether there are any jurisdiction or limitation problems. Section 22 of the <i>Human Rights Code</i> , R.S.B.C 1996, c.210, provides that a person must file a complaint within six months of the alleged discrimination. If a continuing contravention is alleged, a person must file a complaint within six months of the last alleged instance of the contravention. (Note that the BCHRT may accept complaints filed out of time if it determines that it is in the public interest to do so and no substantial prejudice will result to any person because of the delay (s. 22(3).) 1.6 During initial contact or initial interview: .1 Confirm client’s identity per Law Society Rules on Client Identification and Verification. .2 Determine if client is a union member. If so: (a) Is 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? .3 Determine if 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? 1.7 Review law to have general understanding of law in area of subject matter.					

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<p>1.8 During initial contact or initial interview decide whether to accept the case, considering:</p> <ul style="list-style-type: none"> .1 The time limits for the complaint. .2 The duty to make legal resources available to the public; whether declining would make it difficult for the person to obtain legal representation. .3 Amount of fee and whether it would be paid. <p>1.9 If you do not wish to act:</p> <ul style="list-style-type: none"> .1 Advise caller, and, if the caller does not know how to find another lawyer, suggest names or Lawyer Referral. .2 Make a record of the advice given and file your notes. 					
<p>2. INITIAL INTERVIEW</p> <p>2.1 Keep a record of the interview, either by taking notes or by taping (with client's consent).</p> <p>2.2 Determine client's objectives and expectations. See also items 1.5 and 1.6.</p> <p>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, or order of the BCHRT, or both.)</p> <p>2.4 Advise client on calculation of your account, the method and timing of payment, and the conditions on which you undertake to act. 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. (See <i>Legal Profession Act</i>, S.B.C. 1998, c. 9, Part 8.) Note that Law Society Rule 3-51.1 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.</p> <p>2.5 Satisfy yourself that client is competent to give instructions.</p> <p>2.6 If the case is complex, unusual, or outside your usual area of practice, consider consulting other counsel or declining to act.</p> <p>2.7 Get particulars of any settlement proposals made by the potential opposing participant's counsel.</p> <p>2.8 Complete an initial interview checklist (see the GENERAL LITIGATION PROCEDURE (E2) checklist or the PERSONAL INJURY PLAINTIFF'S INTERVIEW OR EXAMINATION FOR DISCOVERY (E3) checklist for an example). Obtain information on matters such as:</p> <ul style="list-style-type: none"> .1 Client. <ul style="list-style-type: none"> (a) Full name, address, telephone numbers, e-mail address, occupation, age. (b) Any other details relevant to the type of complaint. .2 Fact pattern that gave rise to the complaint. <ul style="list-style-type: none"> (a) Full particulars of what happened, when, and where. 					

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<p>(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.</p> <p>(c) Witnesses.</p> <p>(d) Evidence, such as statements and photographs.</p> <p>.3 Damages sustained by the client.</p> <p>.4 Damages sustained by other potential participants, and any right of set-off.</p> <p>.5 Whether any other complaints, charges, or proceedings have been commenced against any of the participants, related to the complaint.</p> <p>2.9 Consider the relevant facts and law, and give client a preliminary opinion as to the advisability of proceeding with the complaint and, if so, an estimate of the damages or potential remedies.</p> <p>2.10 Discuss settlement, strategy, and the risks of proceedings.</p> <p>2.11 Obtain a retainer, if appropriate, and instructions defining the extent of your authority. Also consider form of retainer and who will give instructions and to whom you will report.</p> <p>2.12 Consider the possibility of retaining experts; discuss expense with client and emphasize the necessity of expert support in appropriate cases. Obtain instructions.</p> <p>2.13 Obtain executed authorization forms for release of information, such as medical information, employment information, and any other information required to be released.</p> <p>2.14 Ask client to provide you with any other documentary evidence that is, or may be, relevant. Explain duty to disclose all relevant, or possibly relevant, documents.</p> <p>2.15 Discuss employing an investigator.</p> <p>2.16 Give any other instructions or advice relevant to the type of complaint.</p>					
<p>3. FOLLOW-UP FROM INITIAL INTERVIEW</p>					
<p>3.1 Determine limitation periods and make entries in diary and bring forward (“BF”) systems.</p>					
<p>3.2 Send letter to client:</p> <p>.1 Confirming the retainer and setting out the manner in which you will determine your fee for services. Note that interest cannot be charged on unpaid accounts without an express agreement signed by client. (See <i>Legal Profession Act</i>, Part 8 and Law Society Rules, Part 8.)</p> <p>.2 Enclosing a copy of the record of the interview.</p> <p>.3 Confirming your instructions from client.</p> <p>.4 Giving or confirming recommendations to client.</p> <p>.5 Requesting client to sign and return a copy.</p>					

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<p>3.3 Send letter to opposing participant’s counsel:</p> <ul style="list-style-type: none"> .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. <p>3.4 Open file: note relevant dates and place checklist(s) in file.</p> <p>3.5 Conduct searches and obtain certified copies of documents, as required.</p> <p>4. BEFORE COMMENCING PROCEEDINGS</p> <p>4.1 Send demand letters to potential respondents, if appropriate.</p> <p>4.2 Send letters to other involved participants, if appropriate.</p> <p>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.</p> <p>4.4 Study the relevant law in sufficient detail to enable you to identify all potential strategies and remedies.</p> <p>5. FILING THE COMPLAINT</p> <p>5.1 File complaint within six-month time limit (Rule 10 of the BCHRT Rules of Practice and Procedure (the “Rules”). (The Rules and all forms are available on the BCHRT’s website.)</p> <p>5.2 Provide address for delivery to all participants and to the BCHRT (see Rule 7).</p> <p>5.3 Unless the BCHRT directs otherwise, all communications with the BCHRT must (Rule 8):</p> <ul style="list-style-type: none"> .1 Be addressed to the registrar. .2 Include complainant name and case number. .3 Be delivered to all other participants before or at the same time as delivery to the BCHRT as required by the Rules. <p>5.4 The BCHRT 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, or alternative methods by order of the BCHRT (Rule 9(1), (3) and (7)). If the BCHRT requires proof of delivery, an affidavit or testimony from the deliverer, a copy of Canada Post’s registered mail confirmation, or a fax transmittal sheet, may be provided (Rule 9(2)).</p> <p>5.5 Complete complaint form (Form 1) and have the complainant sign.</p> <p>5.6 Determine who the respondents will be and identify them clearly.</p> <p>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.</p>					

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<p>5.8 If the complainant is making the complaint on behalf of another person or group or class of persons, the complainant must complete and file a representative complaint form (Form 2) with the complaint form.</p> <p>5.9 File the complaint by mail, fax, hand, courier, process server, or e-mail (Rule 10(4)).</p> <p>5.10 If filing by e-mail, file signed copy of complaint form by mail, fax, hand, courier, or process server within 21 days of the date the complaint form was filed by e-mail (Rule 10(7)).</p> <p>5.11 Consider application to defer complaint pending the outcome of another proceeding under s. 25 of the <i>Human Rights Code</i> (see section H of the complaint form).</p> <p>5.12 Consider an early settlement meeting (see section M of the complaint form).</p>					
<p>6. COMPLAINT FILED OUT OF TIME/BCHRT LACKS JURISDICTION</p>					
<p>6.1 If the complaint will be filed after the time limit, complainant must complete section G of the complaint form to request BCHRT to accept complaint filed after time limit.</p> <p>.1 BCHRT may accept a late complaint if:</p> <p>(a) It is in public interest to accept the complaint.</p> <p>(b) No substantial prejudice will result to anyone because of the delay (Rule 10(3)).</p> <p>.2 Respondent receives BCHRT’s letter advising of complainant’s request.</p> <p>.3 Respondent must complete “time limit response form” (Form 4), deliver a copy to the complainant, and then file the original with the BCHRT within the time allowed by the BCHRT (Rule 14(6)).</p> <p>.4 If complainant wishes to reply, complainant must complete a “time limit reply form” (Form 5), deliver a copy to the respondent, and then file the original with the BCHRT within the time allowed by the BCHRT (Rule 14(7)).</p> <p>.5 Participants receive BCHRT’s decision.</p> <p>6.2 If the BCHRT considers it does not have jurisdiction to proceed with the complaint:</p> <p>.1 Complainant will receive reasons from BCHRT if it is clear that BCHRT does not have jurisdiction over all or part of the complaint (Rule 11(6)).</p>					
<p>7. RESPONDING TO THE COMPLAINT</p>					
<p>7.1 Respondent receives BCHRT’s notice advising that it has accepted the complaint for filing, together with a copy of the complaint (Rule 12).</p> <p>7.2 Respondent must complete a “response to complaint form” (Form 3), deliver a copy to the complainant, and file the original with the BCHRT within the time allowed by the BCHRT (Rule 13).</p> <p>7.3 If the respondent does not file the completed response to complaint form within the time allowed, the BCHRT will assign the complaint to the case managed stream, set a hearing date without consulting the respondent on</p>					

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<p>availability, and 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 (Rule 13(15)). A respondent who requires an extension of time in which to file the response must advise the case manager of the reasons why the extension is required, the length of the extension required and the position of the other parties, if the respondent has asked for their consent (Rule 13(8)).</p> <p>7.4 Advise client and obtain instructions to defend the complaint. Also determine whether facts or any liability will be admitted.</p> <p>7.5 Examine the complaint form and consider:</p> <ul style="list-style-type: none"> .1 Whether the respondent is correctly named in the complaint form (although note Rule 4(7) regarding technical defects). .2 Whether the complaint provides grounds for discrimination under the <i>Human Rights Code</i>. .3 Consequences of not defending the complaint. .4 Whether the BCHRT 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 the complainant’s allegations, and whether it is available. .8 Any presumptions of law that may work for or against the respondent. <p>7.6 Consider early settlement meeting if BCHRT’s letter advises complainant is interested and note date for responding. If the respondent advises the BCHRT of its interest within the time allowed, the BCHRT will extend the time for the respondent to file a “response to complaint form” and will advise the parties of the maximum length of the extension (see Rule 13(4) to (6)).</p> <p>7.7 Consider application to defer complaint pending outcome of another proceeding under s. 25 of the <i>Human Rights Code</i>. Note that the application must be made at the time the response to complaint form is filed. Complete section E of the response to complaint form (Rules 15 and 26).</p> <p>7.8 Consider application to dismiss the complaint under s. 27 or s. 27.5 of the <i>Code</i>. The application form (Form 8) must be delivered and filed within the time limit (Rule 26(2)). Applications to dismiss under s. 27 or s. 27.5 must identify the appropriate subsection(s) of the <i>Code</i>, state why the complaint should be dismissed, and attach all supporting materials(Rule 26(6)). Consider whether sworn testimony in the form of an affidavit is required to support the application to dismiss.</p> <p>8. PRE-HEARING MATTERS</p> <p>8.1 Consider the following pre-hearing steps before receiving the BCHRT’s notice advising what pre-hearing process will apply to the complaint:</p> <ul style="list-style-type: none"> .1 Request for an expedited hearing under Rule 20. .2 Request for the BCHRT to assign the complaint to the case-managed stream. See BCHRT’s criteria for deciding the appropriate stream in Rule 17. 					

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<p>.3 Whether there are compelling reasons for early hearing dates. If so, make an application for priority scheduling (Rules 17(7) and 24).</p> <p>.4 Whether any pre-hearing applications should be made (see item 13 below).</p> <p>8.2 Begin to prepare the case, ensuring continuing preparation, review, and reporting (see item 6 of the GENERAL LITIGATION PROCEDURE (E2) checklist). For example:</p> <p>.1 Research the law. Prepare memorandum of law, including basis of complaint, defences, possible arguments, remedies, etc.</p> <p>.2 Organize and review documents. Collect all documents from client and other participants. Ensure client understands the scope of disclosure required. Review documents and determine relevance.</p> <p>.3 Throughout preparation of the case, ensure periodic review of the thoroughness of the preparation and its results. Consider any possible change in the position of the participants.</p> <p>.4 Report to client on a regular basis.</p> <p>8.3 Witnesses and expert evidence (see also item 14 below).</p> <p>.1 List all prospective witnesses. (You may be able to interview and get a statement from a witness, but not from witness represented by counsel except through or with the consent of that counsel (<i>Professional Conduct Handbook</i>, Chapter 8, Rule 12.1) and no contact may be made with any party who is represented by counsel except through or with the consent of the other lawyer. Before contacting an opposing party’s expert, you must notify the opposing party’s counsel, so that lawyer can advise his or her expert on the matters which are covered by legal professional privilege and which the expert may not disclose (<i>Professional Conduct Handbook</i>, Chapter 8, Rules 14, 15, 16 and 17).)</p> <p>.2 Confirm availability of witnesses. Consider who will interview, or attend interview of, prospective witnesses.</p> <p>.3 Contact each person and attempt to arrange an interview. Prepare for interview, with reference to item 6.9 of the GENERAL LITIGATION PROCEDURE (E2) checklist.</p> <p>.4 Determine who will appear to give evidence, and prepare witnesses. See item 6.9 of the GENERAL LITIGATION PROCEDURE (E2) checklist.</p> <p>.5 Determine need for expert evidence on any issue. Confirm that expert does not have conflict. Select and prepare experts, with reference to item 6.10 of the GENERAL LITIGATION PROCEDURE (E2) checklist, and Rule 33 of the BCHRT Rules of Practice and Procedure.</p> <p>8.4 Negotiation and settlement.</p> <p>.1 For complainant, consider whether it is appropriate to settle. Consider all relevant factors relating to liability and remedies.</p> <p>.2 Evaluate case and arrive at an idea of minimum settlement you consider to be acceptable.</p> <p>.3 Interview client and explain the case in detail, discussing the advantages and disadvantages of settlement. When you reach agreement, get written instructions.</p>					

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<p>.4 Decide on negotiation strategy. Pursue negotiations, with reference to item 7 of the GENERAL LITIGATION PROCEDURE (E2) checklist, and Rules 21 to 23 of the BCHRT Rules of Practice and Procedure. See also item 12 below.</p> <p>9. EXPEDITED HEARING</p> <p>9.1 Where all complainants and respondents agree, the BCHRT may schedule a hearing within three months of the date the BCHRT accepted the complaint for filing (Rule 20(1)). Parties must agree:</p> <p>.1 Hearing will require three days or less.</p> <p>.2 There will be no preliminary applications.</p> <p>.3 The parties will be prepared to proceed on the dates provided to the BCHRT.</p> <p>.4 They and their witnesses will be available for hearing.</p> <p>9.2 Complainant or respondent files a request under Rule 20(3)).</p> <p>9.3 Participants receive notice of expedited hearing. Note the date and prepare for the hearing.</p> <p>10. STANDARD STREAM PROCESS</p> <p>10.1 Participants receive BCHRT’s letter advising that the complaint is in the standard stream (Rule 18).</p> <p>10.2 Participants complete and file the “proceedings schedule form” within 14 days from the date on the BCHRT’s notice of the assignment.</p> <p>10.3 Participants receive tribunal’s notice of dates for any settlement meeting, the pre-hearing conference, and the hearing of the complaint. Note dates.</p> <p>10.4 Disclosure of remedy and documents.</p> <p>.1 Complainant (Rule 18(4)).</p> <p>(a) Within 60 days from the date of the BCHRT’s letter:</p> <p>(i) Delivers to the respondent the particulars of the remedy sought under s. 37 of the <i>Code</i>.</p> <p>(ii) Delivers to the respondent copies of all relevant documents.</p> <p>.2 Respondent (Rule 18(5)).</p> <p>(a) Within 90 days from receiving the BCHRT’s letter:</p> <p>(i) Delivers to the complainant a response to the particulars of the remedy sought by the complainant.</p> <p>(ii) Delivers to the complainant copies of all relevant documents.</p> <p>.3 Both parties.</p> <p>(a) Disclosure is an ongoing obligation (Rule 18(8)).</p> <p>(b) Consider agreeing to other dates for disclosure under Rule 18(7).</p> <p>.4 If an application to dismiss is made under s. 27(1)(a), the disclosure requirements are suspended until a decision on the application is rendered (Rule 18(6)).</p>					

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<p>10.5 Exchange of witness lists.</p> <ul style="list-style-type: none"> .1 Participants prepare list of witnesses they intend to call at the hearing (Rule 18(10) and (11)). .2 Complainant delivers witness list to the respondent at least 60 days before the date set for the hearing of the complaint. .3 Respondent delivers witness list to the complainant at least 30 days before the date set for the hearing of the complaint. <p>10.6 Receive agenda for pre-hearing conference.</p> <ul style="list-style-type: none"> .1 Confirm date and time. .2 Prepare for the pre-hearing conference. .3 Attend the pre-hearing conference. .4 Note any agreements or directions made at the pre-hearing conference. 					
<p>11. CASE-MANAGED PROCESS</p>					
<p>11.1 Participants receive BCHRT’s letter advising that the complaint is in the case-managed stream (Rule 17(5)).</p> <p>11.2 Participants receive notice and agenda for a pre-hearing conference. Prepare for pre-hearing conference.</p> <p>11.3 Note agreements or directions or orders made at the pre-hearing conference.</p> <p>11.4 Date is set for settlement meeting.</p> <p>11.5 Date is set for next pre-hearing conference.</p> <p>11.6 Dates are set for disclosure of particulars of remedy.</p> <p>11.7 Dates are set for disclosure of relevant documents.</p> <p>11.8 Dates are set for exchange of expert reports or summaries.</p> <p>11.9 Dates are set for the hearing of the complaint.</p>					
<p>12. SETTLEMENT CONFERENCE</p>					
<p>12.1 Consider what process might work best at settlement meeting. See Rule 21(1).</p> <p>12.2 Explore alternative settlement options with client.</p> <p>12.3 Receive confirmation of settlement meeting and settlement meeting agreement.</p> <p>12.4 Consider requesting further settlement meetings (Rule 21(7)).</p> <ul style="list-style-type: none"> .1 If complaint settles, complainant completes and files a complaint withdrawal form (Form 6; Rule 22(2)). .2 Receive order of dismissal from BCHRT. 					
<p>13. APPLICATIONS</p>					
<p>13.1 Rule 24 governs requirements when making any pre-hearing application, except to add a respondent (Rule 27(2)) or to apply to be an intervenor (Rule 28).</p>					

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<p>.1 Except in the case of an application to dismiss all or part of a complaint under s. 27 or s. 27.5 of the Code, applicant must first determine whether the other participants consent, oppose, or take no position regarding the application (Rule 24(2)).</p> <p>.2 Before applying for an order, applicant must take any practical steps to resolve the issue (Rule 24(3)).</p> <p>.3 Applicant must complete, deliver, and file the application form (Form 8).</p> <p>.4 BCHRT will set a schedule for submissions, if required.</p> <p>13.2 Amendment of complaint or response to complaint (Rule 25).</p> <p>.1 Amendments are permitted until two months before the date scheduled for the hearing, without an application.</p> <p>(a) Complete, file and deliver a complaint amendment form (see Form 1B to 1E) to the other participants.</p> <p>(b) Respondent must file and deliver a response to the amended complaint (see Form 3D) within 21 days of receiving the amendment to complaint form (Rule 25(6)).</p> <p>.2 Amendments within the two-month period require an application under Rule 24 (Rule 25(5)).</p> <p>13.3 A party may apply to defer or dismiss a complaint under Rule 26 or ss. 25 or 27 of the <i>Human Rights Code</i>. Note the time limits for filing applications in Rule 26(1) (for deferral applications) and Rule 26(2) (for dismissal applications).</p> <p>13.4 A party may be added under Rule 27.</p> <p>.1 A new complainant may be added to the complaint by filing a separate complaint under Rule 10 and applying under Rule 24 to have the complaints joined (Rule 27(1)).</p> <p>.2 A respondent may be added to the complaint by following the procedures of Rule 24(2) and filing a completed Application to Add a Respondent Form (Form 8B) (Rule 27(2)).</p> <p>13.5 See Rule 28 and <i>Human Rights Code</i>, s. 22.1, regarding intervenors. Add any person or group allowed to intervene to your list of participants in the complaint.</p> <p>13.6 See Rule 29 to ask for a document from another party.</p> <p>13.7 See Rule 30 to ask for an adjournment. Note time limit of two days before the hearing unless the information or circumstances forming the basis of the application have not come to your attention by that time.</p> <p>13.8 See Rule 31 and s. 37(4) of the <i>Human Rights Code</i> to ask for costs.</p> <p>13.9 See s. 21(6) of the <i>Human Rights Code</i> to ask the BCHRT to proceed with two or more complaints together.</p>					
<p>14. HEARING</p> <p>14.1 See Rules 32 to 35.</p> <p>14.2 Receive notice of hearing. Note dates set for hearing.</p> <p>14.3 Witnesses.</p> <p>.1 Request summonses (“order to attend hearing”) for witnesses. See Rule 32.</p>					

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<p>.2 Receive summonses from BCHRT.</p> <p>.3 Serve summonses on witnesses.</p> <p>.4 Note date and method of service on witness and name of person who served witness, and keep proof of service, if any.</p> <p>.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 (Rule 35(10)).</p> <p>14.4 Consider whether you will require an interpreter or any other accommodation. If so, notify the BCHRT at least 30 days before the hearing (Rule 35(2)).</p> <p>14.5 Consider if you wish to have the hearing recorded. If recording is not an accommodation under Rule 35(2) obtain consent of BCHRT and other participants (see Rule 35(5)).</p> <p>14.6 Expert evidence.</p> <p>.1 Consider whether expert evidence is necessary.</p> <p>.2 Standard stream: note dates for exchange of expert reports and summaries in Rule 33.</p> <p>.3 Case-managed stream: note dates set at pre-hearing conference.</p> <p>14.7 Evidence.</p> <p>.1 Note that BCHRT is not bound by the rules of evidence (<i>Human Rights Code</i>, s. 27.2).</p> <p>.2 Prepare copies of all documents you intend to put into evidence for the witness, the BCHRT, and for every other participant (Rule 35(8)).</p> <p>14.8 Legal authorities. Prepare copies of all legal authorities you intend to rely on for the BCHRT and for each other participant (Rule 35(11)).</p> <p>14.9 Consider whether to apply for costs (<i>Code</i>, s. 37(4)).</p>					
<p>15. POST-HEARING</p>					
<p>15.1 Receive decision.</p>					
<p>15.2 Enforcement of order.</p> <p>.1 File with the BCHRT a request for certified copy of the final decision containing the order (Rule 38(1)).</p> <p>.2 Consider filing certified copy of order with the British Columbia Supreme Court.</p>					
<p>15.3 Modification of order. File request for modification if order not fully implemented and no longer appropriate because of unforeseen circumstances (Rule 37). A request to correct a technical error in a written decision or order may be made in writing to the BCHRT (Rule 37.1).</p>					
<p>15.4 Judicial review.</p> <p>.1 Consider whether there are grounds for judicial review.</p> <p>.2 File petition under the <i>Judicial Review Procedure Act</i>, R.S.B.C. 1996, c. 241, within time limit under s. 57 of the <i>Administrative Tribunals Act</i>, S.B.C. 2004, c. 45.</p>					