

# Options after a Decision

## Reconsideration

There is no right of appeal of Board decisions. The Board may reconsider, vary or rescind a decision in two cases:

- (a) information has become available that was not available at the time the decision was made, or
- (b) there has been an error in procedure.

There must be a legal basis for a reconsideration. A decision cannot be reconsidered just because someone disagrees with it.

### *A. Information has become available*

“New evidence” is information that people could not get prior to a decision. They could not get this information even if they had tried. “New evidence” is not additional information that a person gathers after the Board issues its decision.

The question you should ask yourself is: “If I had made an effort, could I have obtained this evidence before the original decision was made?”

If the Board decides to proceed with a reconsideration request under section 21(4)(a), it will assess the new evidence for relevancy and it will determine what impact, if any, the new information would have on the Board’s original decision.

### *B. Error in Procedure*

The Board has a duty to act fairly and impartially in making its decisions. An error of procedure could mean that the Board did not follow fair procedures. The Board has developed *Rules of Practice and Procedure* to outline its processes. Although the Board may vary a rule or timeline “where appropriate in the circumstances”, these rules are normally followed by the Board. Failure to follow a Rule may give rise to an error of procedure. In deciding if there has been an error in procedure, the Board would review the context of the decision making and impact of the error on an applicant or submitter.

People who want to ask the Board to reconsider a decision must submit a [Reconsideration Request form](#) to the Board.

## **Amendments**

The Board can correct a clerical or technical error in a decision. If this occurs, the Board will issue an amended decision.

## **Judicial Review**

A judicial review is an application that a person makes to the B.C. Supreme Court. Judicial reviews are governed by various acts including the *Judicial Review Procedure Act* and the *Administrative Tribunals Act*. Applicants or submitters who do not like a Board decision do not have an automatic right to judicial review. A judge decides whether it will review a Board's decision. A court may intervene if the Board did not give you a fair hearing or if the Board made a decision outside of its authority. Before seeking a judicial review, people should exhaust other options, such as reconsideration.

More Information:

<http://supremecourtbc.ca/sites/default/files/web/Judicial-Review.pdf>