

**What is an Application to Dismiss a Complaint?** It is a request to dismiss your complaint without a hearing. If the Tribunal agrees to dismiss, your complaint is ended. If the Tribunal does not agree, the Tribunal process continues.

### **How do I Respond?**

1. Read the respondent's Application Form (Form 8). Section D tells you what parts of section 27(1) of the *Human Rights Code* the respondent is relying on. Section G tells you why the respondent wants your complaint dismissed.
2. Write a letter to the Tribunal and the respondent. In your letter you must:
  - Give reasons why your complaint should not be dismissed for every part of section 27(1) that the respondent is relying on.
  - Answer the respondent's arguments. If you disagree with something, say why.
  - If the respondents says your complaint does not show discrimination or cannot succeed, you need to:
    - Give all of the details. (For example, if you say you were harassed at work, list each time, be specific about what happened, when, and who was there.)
    - Say how you will prove your case. List witnesses and documents you will rely on.
  - Attach evidence like copies of documents, signed witness statements, or documents. (For example, if the respondent says you don't have a disability, attach medical information. If you have a witness who supports what you say happened, ask them to put it in writing)

The Tribunal does not investigate or contact any of your witnesses. The Tribunal makes a decision based only on the parties' written arguments and evidence.

### **Is there a Deadline?**

Yes. After you get the application to dismiss, the Tribunal will send you a letter saying when your response is due. If you are unable to meet the deadline you may request an extension but you cannot be sure that it will be granted.

<p>BC Human Rights Tribunal Information Sheet No. 16B <b>How to Respond to an Application to Dismiss a Complaint</b></p>	<p>1170 – 605 Robson Street Vancouver, BC V6B 5J3 (604) 775-2000 Phone (604) 775-2020 Fax 1-888-440-8844 Toll free (604) 775-2021 TTY <a href="http://www.bchrt.bc.ca">www.bchrt.bc.ca</a></p>
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### **What Happens Next?**

After you respond, the respondent may reply to what you said. Usually, that is all the information given to the Tribunal. However, if you think that the reply talks about new things that were not in the application to dismiss, you should contact your case manager immediately for information about how to apply to the Tribunal to respond to the new things (called “sur-reply”).

A Tribunal member will consider all of the information and then give the parties its decision in writing.

