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Tribunal stamp

Under the Tribunal’s Case Path Pilot Practice Direction, a Respondent can request permission to file a Form 7.2 – Dismissal Application. The Request must be based on new information or circumstances. New information must not include information already set out in the complaint or response to complaint.

Use this form if you want to file an application to dismiss a complaint under s. 27(1) of the *Code* or to make submissions under s. 27(1) not set out in the Tribunal’s instructions for the submission path.

Any Request must be filed within 14 days of the Tribunal letter advising of the Case Path, or the date on which new information or circumstances that form the basis of an application come to the Respondent’s attention.

This form has 5 steps. Complete each step.

You may attach up to 1 extra page.

Print clearly. Use a black or blue pen.

You must send a copy of this form to the Complainant and any other Respondent.

Name of Respondent making this request:

Person completing this form if different from above:

Complaint this request is about:

Complainant’s name:	Tribunal Case Number:
Respondent name(s):	

Step 1 – Identify grounds for dismissal

[Information Sheets on the Tribunal website](#) describe the legal tests for dismissing a complaint.

It furthers the just and timely resolution of the complaint for the Tribunal to consider an application to dismiss the complaint under s. 27(1) of the *Human Rights Code* because [check all that apply]:

- The Tribunal does not have jurisdiction over the complaint: s. 27(1)(a)
- The complaint has no reasonable prospect of success: s. 27(1)(c)
- The complaint will not benefit the Complainant: s. 27(1)(d)(i)
- The Respondent has already remedied the discrimination: s. 27(1)(d)(ii)
- The Respondent made a reasonable settlement offer: s. 27(1)(d)(ii)
- The parties have settled the complaint: s. 27(1)(d)(ii)
- The complaint should not proceed against individual Respondents: s. 27(1)(d)(ii)
- It does not further the purposes of the *Human Rights Code* to proceed (other reason): s. 27(1)(d)(ii)
- The complaint was made for improper purposes or in bad faith: s. 27(1)(e)
- The complaint has been appropriately dealt with in another proceeding: s. 27(1)(f)
- All or part of the complaint was filed after the time limit: s. 27(1)(g)

Step 2 – State why the complaint should be dismissed

Examples:

- The Respondent is federally-regulated and the Tribunal does not have jurisdiction (s. 27(1)(a))
- I have copies of text messages that will prove the Respondent did not make the alleged discriminatory comments (s. 27(1)(c))
- The individuals named as Respondents were human resources staff carrying out their duties, they did not make or influence any decisions, they have no individual culpability, and the institutional employer accepts responsibility for their actions (s. 27(1)(d)(ii))
- The Complainant filed a grievance about the same issue, and an arbitrator decided that there was no discrimination (s. 27(1)(f))

Instructions:

A dismissal application must be based on new information or circumstances. New information does not include information already set out in the complaint or response to complaint. Briefly summarize the new information or circumstances and what argument(s) you would make in an application to dismiss the complaint without a hearing:

Step 2 continued – State why the complaint should be dismissed

Step 3 – Describe the evidence you would rely on to support dismissal of the complaint

Examples:

- We will provide copies of the relevant legislation and incorporation certificates to show that we are federally-regulated
- We have copies of the relevant text messages that show the alleged discriminatory comments were not made
- We will provide a copy of the arbitration decision

Instructions:

Do **not** attach evidence. Evidence can be submitted with the application to dismiss if the Tribunal approves your request. Briefly describe the evidence you would rely on to seek dismissal of the complaint:

Step 4 – Explain how allowing submissions under s. 27(1) of the *Code* may further the just and timely resolution of the complaint

Step 5 – Finish your request

- Check here if you are attaching extra argument. You may attach **1 extra page** or 2 pages if you do not use the space available on this form.
- You must file your form. Check here to confirm you are sending a copy to the other parties.