

What is an application to dismiss a complaint?

It is a request to dismiss a complaint without an oral hearing where witnesses testify.

Document disclosure

Before you apply to dismiss a complaint, you must [complete document disclosure](#).

There is an exception if you only apply to [dismiss against individual respondents](#).

You can also [apply to do disclosure later or limit the disclosure that you need to do now](#).

Deadlines

See the [time limit for filing a dismissal application](#) on the Tribunal website.

Only one application to dismiss

Usually, a Respondent may apply only once to dismiss a complaint. There are exceptions.

- You can apply once to dismiss the complaint against individual Respondents.
- You can also apply later to dismiss the complaint against all Respondents.
- You can also apply later if you find new information or circumstances.

Page restrictions

If you need more space, you can add a **maximum of 15 pages**. Number your paragraphs. Name the document “Argument”.

If you need more pages, you must ask for permission at least 1 week before the deadline to file the application. The Tribunal will permit more pages only in exceptional circumstances.

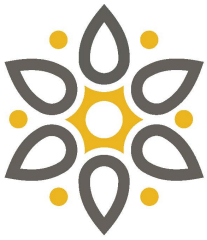
There is no page restriction on evidence.

General instructions

- Complete the 7 steps.
- Print clearly. Use a black or blue pen.
- Keep a copy of your form and documents.
- Send a copy of your form and documents to the Tribunal and the other participants.

Other applications

For all other applications, use a Form 7.1 – General Application.



**British Columbia
Human Rights
Tribunal**

Form 7.2 – Dismissal Application

1270 - 605 Robson Street
Vancouver, BC V6B 5J3
Phone: (604) 775-2000 Fax: (604) 775-2020
Toll Free: 1-888-440-8844 TTY: (604) 775-2021

Tribunal stamp

Who is making this application?

Name of participant:

Person completing this form if different from above:

Legal name – First name:

Legal name – Last name:

Name of complaint this application is about:

Complainant name:

Respondent name(s):

Tribunal case number:

Dismissal Application

Step 1 – Reasons for Dismissal

Step 1 – Reasons for dismissal

The Tribunal may dismiss a complaint without a hearing for the reasons set out in s. 27(1) of the Human Rights Code.

You must meet the legal test for dismissal. Information Sheets describe the legal tests for dismissing a complaint. Read the [Information Sheets on the Tribunal website](#) before you complete this form.

You may use more than 1 reason for dismissing a complaint. Use a reason only if you have information to meet the legal test.

Select 1 or more reasons for your application

- | | Info Sheet |
|---|---------------------|
| <input type="checkbox"/> The complaint involves a federally-regulated matter | DA1 |
| <input type="checkbox"/> The complaint is about conduct outside of BC | DA2 |
| <input type="checkbox"/> The complaint does not allege a contravention of the Human Rights Code | DA3 |
| <input type="checkbox"/> The complaint has no reasonable prospect of success | DA4 |
| <input type="checkbox"/> Proceeding with the complaint will not benefit the Complainant | DA5 |

Proceeding with the complaint would not further the purposes of the Code because:

- | | |
|--|----------------------|
| <input type="checkbox"/> (1) The Respondent provided a remedy | DA6 |
| <input type="checkbox"/> (2) The Respondent made a reasonable settlement offer | DA7 |
| <input type="checkbox"/> (3) The parties settled the complaint | DA8 |
| <input type="checkbox"/> Proceeding against an individual Respondent would not further the purposes of the Code | DA9 |
| <input type="checkbox"/> Other reason why proceeding with the complaint would not further the purposes of the Code | DA10 |
| <input type="checkbox"/> The Complainant filed the complaint for improper motives or in bad faith | DA11 |
| <input type="checkbox"/> Another proceeding dealt with the complaint | DA12 |
| <input type="checkbox"/> The Complainant filed the complaint after the 1-year time limit | DA13 |

Step 2 – Dismiss part of complaint, if applicable

Complete this step **only** if you are applying to dismiss part of the complaint. **Example:**

- Dismiss the complaint only against a particular Respondent.
- Dismiss only certain allegations in the complaint.

I am applying to dismiss the following part of the complaint, if applicable:

Step 3 – Extend time to file a dismissal application

Deadlines for applying to dismiss complaint:

- After you file a response to the complaint, you have 70 days to apply to dismiss.
- If you apply to dismiss based on new information, you must do so within 35 days.
- If you apply to dismiss based on a reasonable settlement offer, you must do so at least 4 months before the hearing.

Check here if you are applying by the deadline. Go to Step 5.

If you are applying late, read about the [time limit for filing a dismissal application](#) before you answer.

Explain why the Tribunal should consider your application:

Step 4 – Documents to support your application

It is up to you to provide the information you think is important to your application. If you have information to support what you say, you should attach it.

You may attach notes, statements, or other documents.

Affidavits are usually preferable, especially if there is disagreement about important facts.

An affidavit is a written statement of facts. The affidavit can include documents. A person swears or affirms that they are telling the truth. A person signs their statement in front of a person with authority, like a notary or a lawyer.

1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	

Dismissal Application

Steps 6-7 – Complete and File the Application

Step 6 – Complete the application form

Check the following boxes:

- I confirm that the information in this form is true and accurate to the best of my knowledge and belief.
- I am keeping a copy of this form and attachments.
- I am sending a copy of this form and attachments to the other participants.

Check here if you are attaching pages:

- I attach extra argument. You can attach a **maximum of 15 pages**, unless the Tribunal has allowed you to attach more.
- I attach the documents listed in Step 4.

Disclosure Requirements – check one:

- I filed my Form 9.2 – Respondent Document Disclosure and delivered a copy of the Form 9.2 and each document listed on the Form 9.2 to each party on this date: _____
- The Complainant agreed to extend the time for complying with document disclosure requirements to this date: _____

Step 7 – File the application form

File the form and attachments.

- Email your form to BCHumanRightsTribunal@gov.bc.ca. Attach your documents in a PDF called “evidence”. Attach argument in a PDF called “argument”.
- Or, print your form and attach your documents and extra pages. File by mail, fax, hand, courier, or process server.

Privacy Notice

The Tribunal’s process is public.

For more information, see the [Complaint Process Privacy Policy](#).

What happens next?

Usually, the Tribunal will set a time for:

- The other participants to respond,
- The participant who made the request to reply.

Usually, the Tribunal will not allow more “submissions”. A participant must [apply to make a “further submission”](#). The Tribunal will consider the information provided and tell the participants its decision. To find out when to expect a decision, see the Tribunal’s [Service Standards](#).