



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

WHEN TO USE THIS FORM

If you have any concern that a person you want as a witness may not appear at the hearing, use this form to request an order from the Tribunal requiring a person to attend a hearing as a witness.

GENERAL INSTRUCTIONS

If you are filling out online: your information will NOT be automatically saved by the Tribunal – Click on Save at any time to save your form to your computer.

If you are filling out by hand: print this form and use a dark pen and print legibly.

File your order to attend request:

- Email your form to BCHumanRightsTribunal@gov.bc.ca or print your form and fax, mail or hand deliver them to us.

After Tribunal Approval:

- serve the order on the witness.
- keep a copy of the order and all of your other documents.

Name of party requesting this order:

	TELEPHONE:
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Person completing this form (if different from above)

FIRST NAME:	LAST NAME:
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Name of the Complaint this order is about

COMPLAINANT'S NAME:	TRIBUNAL CASE NUMBER:
RESPONDENT'S NAME:	

Name and Address of Witness

FIRST NAME:	LAST NAME:	
MAILING ADDRESS:		
CITY:	PROVINCE:	POSTAL CODE:
TELEPHONE:	FACSIMILE (IF APPLICABLE):	CELLULAR (IF APPLICABLE):

TRIBUNAL ORDER TO ATTEND HEARING

British Columbia Human Rights Tribunal
Human Rights Code
R.S.B.C. 1996, c. 210 (amended)

To:

(WITNESS NAME)

You must attend at the hearing of the complaint of:

(COMPLAINANT'S NAME)

against:

(RESPONDENT'S NAME)

at the date, time and location set out below:

Date of Hearing: _____

Time of Hearing: _____

Location of Hearing
and address: _____

You must bring and produce all documents or other things in your possession or control relating to or concerning this complaint, including the following specific documents:

(TRIBUNAL MEMBER SIGNATURE)

(DATE)

The relevant sections of the BC *Human Rights Code*, the *Administrative Tribunal Act*, and the Tribunal's *Rules of Practice and Procedure* which describe how to set aside an Order to Attend Hearing are attached to this document.

1. Order to Attend Hearing

BC Human Rights Code

Section 32 of the *BC Human Rights Code* provides that sections 34(3), (4) and 49 of the *Administrative Tribunals Act* apply to the BC Human Rights Tribunal.

Administrative Tribunal Act

Sections 34(3), (4) and 49 of the *Administrative Tribunal Act* state:

Power to compel witnesses and order disclosure

34(3) Subject to section 29, at any time before or during a hearing, but before its decision, the tribunal may make an order requiring a person

- (a) to attend an oral or electronic hearing to give evidence on oath or affirmation or in any other manner that is admissible and relevant to an issue in an application, or
- (b) to produce for the tribunal or a party a document or other thing in the person's possession or control, as specified by the tribunal, that is admissible and relevant to an issue in an application.

(4) The tribunal may apply to the court for an order

- (a) directing a person to comply with an order made by the tribunal under subsection (3), or
- (b) directing any directors and officers of a person to cause the person to comply with an order made by the tribunal under subsection (3).

Contempt proceeding for uncooperative witness or other person

49(1) The failure or refusal of a person summoned as a witness to do any of the following makes the person, on application to the court by the tribunal, liable to be committed for contempt as if in breach of an order or judgment of the court:

- (a) attend a hearing;
- (b) take an oath or affirmation;
- (c) answer questions;
- (d) produce the records or things in their custody or possession.

(2) The failure or refusal of a person to comply with an order or direction under section 48 makes the person, on application to the court by the tribunal, liable to be committed for contempt as if in breach of an order or judgment of the court.

(3) Subsections (1) and (2) do not limit the conduct for which a finding of contempt may be made by the court in respect of conduct by a person in a proceeding before the tribunal.

2. Setting Aside an Order to Attend Hearing

A person who has been served with an Order to Attend Hearing may apply in writing to the Tribunal to have the order set aside on the grounds that the evidence sought is not relevant or inadmissible, or that compliance with it would result in hardship for the person. The Tribunal may make any determination it deems just in all the circumstances.

If you have any questions regarding the above you may contact the person who requested the order or you may contact the BC Human Rights tribunal by telephone at 604-775-2000 (toll free at 1-888-440-8844), by mail at 1270 - 605 Robson Street, Vancouver, BC V6B 5J3, or by fax at 604-775-2020. The Tribunal's usual hours of business are 8:30 a.m. to 4:30 p.m. Monday to Friday.