



Information and Instructions

What is an application to dismiss a complaint?

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

When to use this form?

Use this form to apply to dismiss a complaint when the Tribunal has permitted you to do so. Use a Form 7.5 – Request to File Dismissal Application to tell the Tribunal why you want to apply to dismiss the complaint without a hearing. For all other applications, use a Form 7.1 – General Application.

Deadline

If the Tribunal allows you to file a dismissal application, it will set a deadline for the application and the parties' submissions.

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. Put your evidence together in a document named "Evidence".

General instructions

- Complete the 6 steps.
- Print clearly. Type or 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.



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Email: BCHumanRightsTribunal@gov.bc.ca

Website: bchrt.bc.ca

Tribunal stamp

Who is making this application?

Name of respondent:

Person completing this form if different from above:

Legal name – First name:	Legal name – Last name:
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Name of complaint this application is about:

Complainant name:
Respondent name(s):

Tribunal case number:



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. The reasons are also called “grounds” for dismissal.

Select the reasons for your application as permitted by the Tribunal:

<input type="checkbox"/> The complaint involves a federally-regulated matter (info sheet DA1)
<input type="checkbox"/> The complaint is about conduct outside of B.C. (info sheet DA2)
<input type="checkbox"/> The complaint does not allege a contravention of the Human Rights Code (info sheet DA3)
<input type="checkbox"/> The complaint has no reasonable prospect of success (info sheet DA4)
<input type="checkbox"/> Proceeding with the complaint will not benefit the Complainant (info sheet DA5)
Proceeding with the complaint would not further the purposes of the Code because:
<input type="checkbox"/> (1) The Respondent provided a remedy (info sheet DA6)
<input type="checkbox"/> (2) The Respondent made a reasonable settlement offer (info sheet DA7)
<input type="checkbox"/> (3) The parties settled the complaint (info sheet DA8)
<input type="checkbox"/> Proceeding against an individual Respondent would not further the purposes of the Code (info sheet DA9)



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.

Document #1:
Document #2:
Document #3:
Document #4:
Document #5:
Document #6:
Document #7:
Document #8:
Document #9:
Document #10:

If you have more documents, attach a numbered index listing them.



Step 4 – Why the Tribunal should dismiss the complaint

You must explain how you meet the legal test for each reason that you rely on. Explain how the documents you attach support what you say.

Review the [information sheet](#) on the Tribunal website for each reason you rely on. The information sheets explain the legal test. The information sheets also give an example of reasons why the Tribunal should dismiss a complaint.

Explain how you meet the legal test for each reason that you rely on:

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



Step 5 – 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 3.

Step 6 – 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?

The other participants have a chance to respond and you have a chance to reply.

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](#).