

Services Guide

Lawyer in Administrative Law

**NOTE 1: This information is pulled from credible sources. This information is a guide. Any information used from this guide must be re-contextualized (no copying and pasting). Re-contextualize information incorporating SEO and business specifics.*

**NOTE 2: For MCP websites, stick to general information and avoid specifics.*

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1. LAWYER IN ADMINISTRATIVE LAW OVERVIEW

1.1 GENERAL INFORMATION

Sources:

<http://www.adminlawbc.ca/what-is-admin-law>

<http://www.chrt-tcdp.gc.ca/index-en.html>

<http://www.adminlawbc.ca/tribunals>

<http://www.thecanadianencyclopedia.ca/en/article/administrative-tribunals/>

<http://www.adminlawbc.ca/>

Basic Information:

- The most common administrative law cases are related to:
 - Tenant rights
 - Immigration issues
 - Employment insurance
 - Human rights
- Tribunals, boards, and commissions hear complaints about how laws affect individuals and make decisions about remedial steps
- Provide justice between citizens and the government
- Cases are heard by tribunal, commissions or boards, rather than courts
- An administrative lawyer will represent you before a government board, commission, or tribunal
- Set up to be less formal, less expensive, and a faster way to resolve disputes than by using the traditional court system
- Administrative tribunals perform a wide range of functions, including:
 - Research and recommendation (eg, law reform commissions);
 - Rulemaking and policy development (eg, the Canadian Radio-Television and Telecommunications Commission and provincial securities commissions);
 - Grant allocation (eg, the Canada Council and regional development agencies);
 - Adjudication (eg, labour relations boards, municipal boards and human rights tribunals);
 - Standard setting (eg, environmental assessment boards, workers' compensation boards and health and safety commissions)

1.2 SEO

KEYWORDS (FIRST ROW - BEST, LAST ROW - LEAST)

• Tenant rights	• Unfair dismissal	• Human rights	• Immigration advice
• Tenant agreement	• Rental lease	• Discrimination	• Tribunal service
• Tenant eviction	• Equal opportunity	• Employment tribunal	• Asylum
• Employment law	• Immigration	• Landlord rights	• Tribunal

1.3 DEFINITIONS

<http://www.thecanadianencyclopedia.ca/en/article/administrative-tribunals/>

<http://www.adminlawbc.ca/>

Steps	Description
1. Tribunal / Board	<ul style="list-style-type: none">○ Hears complaints about how laws affect individuals and makes decisions about remedial steps○ No difference between a board and a tribunal○ Established through federal or provincial legislation, or by municipal bylaws○ Members have specific knowledge about the topic being disputed
2. Hearing	<ul style="list-style-type: none">○ The term for an appearance in front of a tribunal
3. Jurisdiction	<ul style="list-style-type: none">○ Scope of the tribunal
4. Affidavit	<ul style="list-style-type: none">○ Sworn statements that are used to dispute the case○ Deliverance of an affidavit is what states the case
5. Appeal	<ul style="list-style-type: none">○ If you do not agree with the tribunal's decision, there is the option to appeal your case before an appeal board
6. Adjudicator	<ul style="list-style-type: none">○ A member of the tribunal who makes decisions○ Can be an individual (simple matters) or a panel (more complex matters)○ A general rule, members are selected because they have expertise or technical knowledge about the matters they will be reviewing
7. Equal Rights	<ul style="list-style-type: none">○ Tribunals are appointed to make sure individuals have equal rights and get the fair treatment that they deserve○ Helps prevent discriminatory practices

1.4 TYPES OF TRIBUNALS

<http://www.thecanadianencyclopedia.ca/en/article/administrative-tribunals/>

Types of Tribunals and Boards

Type	Description	Benefits
Municipal tribunals	<ul style="list-style-type: none"> ○ Matters relating to: <ul style="list-style-type: none"> ● Water supply ● Sewage treatment ● Waste collection ● Public transit ● Zoning ● Library services ● Emergency services ● Animal control ● Labour relations ● Construction law ● Land compensation boards ● Police law ● Local economic development 	<ul style="list-style-type: none"> ○ Helps residents deal with things relating to bylaws and how these laws will affect their life ○ Represents municipalities ○ All governmental boards, subject to experience by the firm
Professional associations	<ul style="list-style-type: none"> ○ Members of many professions and occupational groups are subject to discipline by professional boards and tribunals (such as misconduct) 	<ul style="list-style-type: none"> ○ Administrative lawyer will defend you when you are facing disbarment, suspension, or expulsion
University and academic institutions	<ul style="list-style-type: none"> ○ Universities often function as their own jurisdiction ○ Enforces codes of conduct (for faculty, employees, and students) ○ Represent students and others in relation to academic appeal ○ Every university has a unique process ○ Made up of students, faculty, and staff volunteers 	<ul style="list-style-type: none"> ○ Helps students, faculty, and staff resolve incidents ○ Upholds values and code of conduct for the university
Provincial tribunals	<ul style="list-style-type: none"> ○ Includes things like: <ul style="list-style-type: none"> ● Gaming and liquor boards ● Workers compensation 	<ul style="list-style-type: none"> ○ Represents individuals, governments, crown corporations, First Nations ○ Will represent people for any

	boards <ul style="list-style-type: none"> • Financial institutions 	board, subject to experience by the firm
Federal tribunals	<ul style="list-style-type: none"> ○ Includes things like: <ul style="list-style-type: none"> • National industrial relations • Artists and producers • Canadian forces grievance board ○ Immigration and refugees 	<ul style="list-style-type: none"> ○ Represents individuals, governments, crown corporations, First Nations ○ Will represent people for any board, subject to experience by the firm

2. THE TRIBUNAL PROCESS

<http://www.adminlawbc.ca/what-is-admin-law/before-tribunal-hearing>

General:

- Every tribunal has their own distinct process or set of rules
- It is important to check the process for the tribunal you will be attending
- There is a basic order of proceedings

Steps	Description
1. Preliminary Review	<ul style="list-style-type: none"> ○ This first review ensures that the correct tribunal is hearing the case <ul style="list-style-type: none"> • Staff reviews documents • Telephone calls are made to the people involved • Those involved must create affidavits and these must be delivered to the tribunal ○ The case is presented by affidavits
2. Case Management	<ul style="list-style-type: none"> ○ Ensures that everyone involved understands which matters are in dispute ○ Involves discussions between the parties and an adjudicator <ul style="list-style-type: none"> • About how the case will proceed • Sometimes used along with mediation or a settlement conference
3. Mediation or settlement conference	<ul style="list-style-type: none"> ○ Helps the parties agree on a solution without the need for a tribunal hearing ○ Usually conducted by a single tribunal member ○ Sometimes mediation is imposed in an effort to resolve the dispute without a full hearing ○ Involved parties occasionally have the option of choosing mediation <ul style="list-style-type: none"> • Parties can resolve the matter in any way that is acceptable to

	<p>them</p> <ul style="list-style-type: none"> • Eliminates the possibility of a win-lose resolution that could be imposed by an adjudicator
4. Hearings	<ul style="list-style-type: none"> ○ Held if the dispute cannot be resolved through a preliminary review, a settlement case, mediation, or case management ○ May be based on written submissions or in person before the tribunal members.

3. REPRESENTATION AT TRIBUNAL

<http://www.poltenassociates.com/Administrative-Law/>
<http://www.adminlawbc.ca/how-to-prepare>

3.1 GENERAL REPRESENTATION INFORMATION

General Information:

- Hearings can be done in person, over the phone, or by writing
- Not all disputes have to go to a tribunal hearing – a lawyer can resolve them early on
- Lawyers are familiar with the tribunal system and can help navigate the process

Service	Description	Benefits
Organizing evidence	<ul style="list-style-type: none"> ○ A tribunal member may arrange a telephone conference with the parties to ○ Understand the issues that are in dispute, the evidence that the parties have gathered to support their claims, and how the case will proceed if it cannot be resolved at this stage. 	<ul style="list-style-type: none"> ○ Having a lawyer help you arrange these documents better ensures that your rights will be protected
Gathering Evidence	<ul style="list-style-type: none"> ○ Original documents (e.g., contracts, letters, receipts, financial statements, cancelled cheques, etc.) ○ Clear, readable photocopies if the original document is not available ○ Statements from people who were eye-witnesses to an event or have direct knowledge about a particular issue (e.g., a friend who 	<ul style="list-style-type: none"> ○ A lawyer will help you locate and interpret the correct documents for the case

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	saw you give the rent cheque to the landlord). It is best to provide sworn statements from these witnesses (i.e., affidavits or statutory declarations)	
Representation	<ul style="list-style-type: none">○ A lawyer can help you prepare your case by setting up your presentation approach○ A lawyer can present your evidence for you at the tribunal	<ul style="list-style-type: none">○ Tell the adjudicator the facts they need to know about your case○ Present the facts in a clear and simple manner○ Provide material to support your case○ Explain how the law supports your case

3.2 MATTERS AN ADMINISTRATIVE LAWYER REPRESENTS

http://www.stevensvirgin.com/practice_areas/administrative-law/
<http://www.millsandmills.ca/service/administrative-law/>

- Government regulation and funding
- WorkSafe BC (specific to BC, but other provinces have this too)
- WCAT (Workers' Compensation Appeal Tribunal) hearings
- Human Rights Tribunal proceedings
- Human Rights complaints
- Social benefits appeals
- Liquor license applications and appeals
- Municipal property assessment
- Residential Tenancy
- Employment Standards
- Professional disciplinary boards
- Procedural fairness issues
- *Police Act* hearings
- Public inquiries

4. TYPES OF TRIBUNALS AND FEDERAL AGENCIES

<http://www.simgroup.com/adminsearch.htm>

4.1 FEDERAL TRIBUNALS

- Canada Industrial Relations Board
- Canadian Artists and Producers Professional Relations Board
- Canadian Forces Grievance Board
- Canadian Human Rights Commission
- Canadian International Trade Tribunal
- Canadian Radio-television and Telecommunications Commission
- Canadian Transportation Agency
- Competition Tribunal
- Immigration and Refugee Board
- National Energy Board
- National Parole Board
- Patented Medicine Prices Review Board
- Pension Appeals Board
- Privacy Commissioner of Canada
- Public Service Staff Relations Board
- RCMP Public Complaints Commission
- Review Tribunal under the Agriculture and Agri-Food Administrative Monetary Penalties Act
- Transportation Safety Board

4.2 ALBERTA TRIBUNALS

- Appeals Commission for the Workers' Compensation Board
- Environmental Appeal Board of Alberta
- Alberta Labour Relations Board
- Alberta Energy and Utilities Board
- Human Rights and Citizenship Commission
- Information and Privacy Commissioner
- Gaming and Liquor Commission
- Metis Settlements Appeal Tribunal
- Natural Resources Conservation Board
- Workers' Compensation Board

4.3 BRITISH COLUMBIA TRIBUNALS

- B.C. Securities Commission
- Commercial Appeals Commission
- Environmental Appeal Board
- Financial Institutions Commission
- Forestry Appeals Commission
- Gaming Commission
- Human Rights Commission
- Information and Privacy Commissioner
- Liquor Appeal Board
- Motion Picture Appeal Board
- Office of the Police Complaint Commissioner
- Ombudsman
- Public Service Employee Relations Commission
- Workers' Compensation Board

4.4 MANITOBA TRIBUNALS

- Human Rights Commission
- Pension Commission
- Workers Compensation Board

4.5 NEW BRUNSWICK TRIBUNALS

- N.B. Human Rights Commission
- Workplace Health, Safety and Compensation Commission

4.6 NEWFOUNDLAND TRIBUNALS

- Human Rights Commission
- Workplace Health Safety and Compensation Commission

4.7 NOVA SCOTIA TRIBUNALS

- Alcohol and Gaming Commission
- Dairy Commission of Nova Scotia
- Disabled Persons Commission
- Human Rights Commission
- Labour Relations Board
- Labour Standards Tribunal
- Ombudsman
- Pay Equity Commission
- Workers' Compensation Board

4.8 ONTARIO TRIBUNALS

- Conservation Review Board
- Energy Board
- Environmental Assessment and Appeal Boards
- Financial Services Commission
- Liquor Control Board of Ontario
- Ontario Human Rights Commission
- Municipal Board
- Pay Equity Commission
- Rental Housing Tribunal
- Ontario Securities Commission
- Workplace Safety and Insurance Board
- Workplace Safety and Insurance Appeals Tribunal

4.9 PRINCE EDWARD ISLAND TRIBUNALS

- Human Rights Commission
- Workers' Compensation Board

4.10 QUEBEC TRIBUNALS

- Human Rights Tribunal
- Quebec Securities Commission
- Workers' Compensation Board

4.11 SASKATCHEWAN TRIBUNALS

- Human Rights Commission
- Liquor and Gaming Authority
- Municipal Board
- Workers' Compensation Board

4.12 YUKON TRIBUNALS

- Surface Rights Board
- Workers' Compensation Health and Safety Board
- Yukon Government Tribunals

4.13 NORTHWEST TERRITORIES TRIBUNALS

- Northwest Territories Government Tribunals

4.14 NUNAVUT TRIBUNALS

- Nunavut Planning Commission
- Nunavut Government Tribunal
- Water Board