Passenger Transportation Board
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Appeal - Administrative penalty

Context

Under the Act, the Registrar is responsible for conducting compliance and enforcement, which includes issuing administrative penalties to licensees who are found to be in non-compliance with the Act or the terms and conditions of their licence. The Board is responsible for hearing appeals on Registrar administrative penalty decisions, and may either confirm or rescind any or all of the penalties.

The Act does not set out specific criteria to guide the Board's exercise of its discretion with regard to appeals, and so the Board has created this policy, a set of Rules of Practice and Procedure (RPP), and an appeals process overview on its website to help parties understand the Board's approach.

Applicability

This policy applies to appellants and respondents during appeals of administrative penalties determined by the Registrar under the Act.

Policy

In hearing an appeal, the Board may consider section 28 of the Act: fitness to provide services (fit and proper, capable), public need, and the promotion of sound economic conditions in the passenger transportation business in B.C. Public safety is also considered. Section 28 (Board) considerations are detailed further under their respective titles in this policy manual.

In addition to the considerations listed above, the Board will consider any relevant factors that the appellant raises with regard to its appeal. Other relevant matters may include those factors that the

Registrar is required to consider pursuant to section 46(2.1)(a)-(h) of the Act.

The defense of due diligence may be available to appellants.

Legislation

50 (1) A decision of the registrar under section 46 (3) or (4) or 47 (1) may be appealed by filing a notice of appeal with the board not more than 30 days after the licensee's receipt of the notice referred to in section 46 (3) (b) or (5) or 47 (2) (d) or (3), as the case may be…

51 (2) On an appeal from an order of the registrar referred to in section 46 (1) (a), (b), (c) or (d), the board may, at any time before making a final determination on the appeal, order that the registrar's order is suspended until the outcome of the appeal.

(3) On an appeal under this section, the board must, after considering the information provided by the licensee and the registrar,

(a) rescind any or all of the proposed penalties, or

(b) confirm any or all of the proposed penalties.

Related topics:

- Appeal an administrative penalty
- Rules of practice and procedure manual
- Appeal procedures handbook
- Passenger Transportation Administrative Penalty Framework