Passenger Transportation Board
MOVING FORWARD, TOGETHER

Constitutional questions

Context

This policy describes how the Board responds when an application to a Court is made regarding constitutional matters in accordance with the Act and the Administrative Tribunals Act (ATA).

Applicability

This policy applies to:

- Applications before the Board
- Hearings

Policy

The Board does not have jurisdiction to decide constitutional matters, and it does not have jurisdiction to refer constitutional questions to the Court.

Where a constitutional question is raised on a matter that is before the Board, the Board will proceed with the normal Board process, unless an applicant makes application to a Court in the nature of a prohibition to prevent the Board from considering the application.

Where the Board receives notice that such an application has been made to a Court, the Board may adjourn its proceedings pending the outcome of the Court application.

Legislation

Act

6 (3) The following provisions of the Administrative Tribunals Act apply to the board:

(l) section 44 [tribunal without jurisdiction over constitutional questions];

ATA

44 (1) The tribunal does not have jurisdiction over constitutional questions.