Passenger Transportation Board
MOVING FORWARD, TOGETHER

# Reconsiderations

## Context

The Board has developed RPP 50 to outline its processes. The purpose of this policy is to clarify the meaning and use of “new information” and “error in procedure” as these terms relate to requests of the Board to reconsider, vary, or rescind a previous Board decision under section 21(4)(a) of the Passenger Transportation Act.

## Policy

### New information

- New information includes evidence that could not have been obtained if a party had made a reasonable effort to get it prior to the decision.
- New information is not additional or more evidence that is gathered or created after the Board’s original decision.
- The purpose of the “new information” criterion is to allow the Board to consider evidence that was unavailable at the time the application was decided. It is not to provide applicants with an opportunity to submit more information to correct or rectify an unsuccessful application.

### Error in procedure

- Error in procedure relates to the Board’s duty of administrative fairness. The Board has a duty to act fairly and impartially in making its decisions. An error in procedure occurs when the Board

does not act in a procedurally fair manner.

- Procedural fairness relates to the Board’s decision-making process, not to the outcome of the decision. Disagreement with the Board’s analysis or reasons does not give rise to an “error of procedure".

## Legislation

21 (4) The board may reconsider, vary, or rescind any decision made by it if the board is satisfied that

(a)information has become available that was not available at the time the decision was made, or

(b)there has been an error in procedure.

## Related topics:

- Board rules of practice and procedure, Rule 50 Reconsideration
- Request a decision reconsideration