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PRACTICE AND PROCEDURE BEFORE ADMINISTRATIVE TRIBUNALS

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AUTHOR'S NOTE

This release features updates to Appendix B4—Conflict of Interest Act, S.C. 2006, c. 9; Appendix B7—Personal Information Protection and Electronic Documents Act; Appendix B8—Administrative Procedures and Jurisdiction Act, R.S.A. 2000, c. A-3; Appendix B11—Judicial Review Procedure Act, R.S.B.C. 1996, c. 241; Appendix B16—Regulated Health Professions Act, 1991, S.O. 1991, c. 18; Appendix B17—Statutory Powers Procedure Act, R.S.O. 1990, c. S.22; Appendix B18—Judicial Review Act, R.S.P.E.I. 1988, c. J-3; Appendix B19—Act Respecting Administrative Justice; Appendix B20—Charter of Human Rights and Freedom and Appendix WP—Words and Phrases.

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Highlights:

Appendix WP—Words and Phrases—This appendix has been updated to 27 July 2026. The following are excerpts from this appendix—

WP:98.5 COMMUNICATED "RATIONALE"

British Columbia

. . .sufficient information for affected parties to understand the reason the decision-maker has departed from its previously invariable practice, with the ability to assess whether that reason is rational and legally justifiable.

Richmond (City) v. British Columbia Hydro and Power Authority (2026), 2026 CarswellBC 587, 2026 BCSC 312 (B.C. S.C.) at para. 122 Sigurdson J.

WP:119.5 COURTESY RESPONSES

Federal

Both parties further agree that "courtesy responses", whereby an administrative decisionmaker merely confirms a pre-existing decision, are not reviewable decisions.

Hillcore Financial Corporation v. Canada (Attorney General) (2025), 2025 CarswellNat 5666, [2025] G.S.T.C. 49, 2025 D.T.C. 5202, 2025 FC 2009 (F.C.) at para. 33 Ferron J.