



1270 - 605 Robson Street
Vancouver, BC V6B 5J3

Phone: (604) 775-2000 Fax: (604) 775-2020

Toll Free: 1-888-440-8844 TTY: (604) 775-2021

When to use this form

If you want the Tribunal to order a person or an organization who is not a party to give you documents, complete the form and file it with your Form 7.1 – General Application.

Instructions

Leave the date of order blank – the Tribunal will add the date if it issues the order.

Fill in:

- The case number,
- The name of the person or organization that you want documents from,
- The name of the Complainant,
- The name of the Respondent(s),
- The documents you want, and
- Your name and address where you want the documents delivered.

File this form with your Form 7.1.

Tribunal Order to Produce Documents

British Columbia Human Rights Tribunal
Human Rights Code, RSBC 1996, c. 210
Administrative Tribunals Act, SBC 2004, c. 45, s. 34(3)(b)

Date of order:

Case number:

To:

In the matter of a complaint between:

Complainant:

and:

Respondent(s):

You must provide a copy of the following documents within 14 days of the date of this order:

To:

(Tribunal Member Signature)

Notice: You may request that the Tribunal set aside this order within **14 days of the date of the order**. The relevant sections of the *Human Rights Code*, *Administrative Tribunals Act*, and the Tribunal's *Rules of Practice and Procedure* are attached.

Tribunal Order to Produce Documents

1. Order to Produce Documents

BC Human Rights Code

Section 32 of the *BC Human Rights Code* provides that sections 34(3), (4) and 49 of the *Administrative Tribunals Act* apply to the BC Human Rights Tribunal.

Administrative Tribunal Act

Sections 34(3), (4) and 49 of the *Administrative Tribunal Act* state:

Power to compel witnesses and order disclosure

34(3) Subject to section 29, at any time before or during a hearing, but before its decision, the tribunal may make an order requiring a person

(a) to attend an oral or electronic hearing to give evidence on oath or affirmation or in any other manner that

is admissible and relevant to an issue in an application, or

(b) to produce for the tribunal or a party a document or other thing in the person's possession or control, as specified by the tribunal, that is admissible and relevant to an issue in an application.

34(4) The tribunal may apply to the court for an order

(a) directing a person to comply with an order made by the tribunal under subsection (3), or

(b) directing any directors and officers of a person to cause the person to comply with an order made by the tribunal under subsection (3).

Contempt proceeding for uncooperative witness or other person

49(1) The failure or refusal of a person summoned as a witness to do any of the following makes the person, on application to the court by the tribunal, liable to be committed for contempt as if in breach of an order or judgment of the court:

(a) attend a hearing;

(b) take an oath or affirmation;

(c) answer questions;

(d) produce the records or things in their custody or possession.

49(2) The failure or refusal of a person to comply with an order or direction under section 48 makes the person, on application to the court by the tribunal, liable to be committed for contempt as if in breach of an order or judgment of the court.

49(3) Subsections (1) and (2) do not limit the conduct for which a finding of contempt may be made by the court in respect of conduct by a person in a proceeding before the tribunal.

2. Setting Aside an Order to Produce Documents

A person who has been served with an Order to Produce Documents may ask the Tribunal in writing to set aside the order. You must make this request within **14 days of the date of the order** and must include the reasons for the request.

Rule 34(3) of the Tribunal's *Rules of Practice and Procedure* require the person seeking the order to serve it on you promptly.

You can send your request to the Tribunal to: BCHumanRightsTribunal@gov.bc.ca or to 1270 - 605 Robson Street, Vancouver, BC V6B 5J3, or Fax: (604) 775-2020.

If you have questions, you can phone the Tribunal at: (604) 775-2000, Toll Free: 1-888-440-8844, TTY: (604)775-2021.