



## **UBC Traffic & Parking Rules**

Approved by the Board of Governors on June 9, 2010

### **Section 25. Dispute Process**

- (a) *A Disputant may dispute the contravention alleged in a Traffic Notice on or before the 14th day from the date of receipt of the Traffic Notice.*
- (b) *If the Disputant fails to dispute the contravention alleged in the Traffic Notice within the 14-day period, the Disputant is conclusively deemed to have admitted the contravention alleged in the Traffic Notice and the penalty indicated on the Traffic Notice and imposed pursuant to the Rules shall be payable immediately with any administrative fees owed to UBC pursuant to the Rules and in respect of the contravention.*
- (c) *A Dispute must be submitted in writing to the responsible Hearing Officer, in a form provided by the Director, or in another reasonably acceptable form, providing a postal address or electronic mail address for the Disputant, concisely stating the basis upon which alleged contravention in the Traffic Notice is disputed and such other matters as the Disputant may wish to set out for consideration by the Hearing Officer.*
- (d) *A Hearing Officer may hold any combination of written, electronic or oral hearings.*
- (e) *A Hearing Officer may require or, upon request, hear the evidence or submissions of a Disputant orally; make enquiries of the Director, Compliance Officers, or other person; or receive other evidence as the Hearing Officer considers reasonably necessary for a full and fair disclosure of the matters relevant to the dispute and for an expeditious determination of the Dispute.*
- (f) *A Hearing Officer may receive and accept information that he considers relevant, necessary and appropriate, whether or not the information would be admissible in a court of law.*
- (g) *A Disputant is not entitled to:*
  - (i) *an oral hearing before the Hearing Officer;*
  - (ii) *be present for any enquiries the Hearing Office may make of any person; or*
  - (iii) *examine or cross-examine any witness.*
- (h) *A Hearing Officer may determine whether the Disputant is responsible for the contravention alleged in the disputed Traffic Notice. If the Hearing Officer finds that the Disputant contravened the Rules as alleged in the Traffic Notice, the penalty indicated on the Traffic Notice and imposed pursuant to the Rules shall be payable immediately together with any administrative fees owed to UBC pursuant to the Rules and in respect of the contravention. If the Hearing Officer determines that the Disputant did not contravene the Rules, he shall cancel the Traffic Notice and may also waive any administrative fees imposed pursuant to the Rules and in respect of the alleged contravention.*
- (i) *In determining a dispute, a Hearing Officer shall provide to the Disputant, by mail or electronic mail to the address provided by the Disputant or by another reasonable means selected by the Hearing Officer, brief written reasons for the determination together with a notice of the Disputant's right to seek a review of the determination by the Review Committee. The Disputant shall be deemed to have received the Hearing Officer's determination on the third business day following the date of mailing if it is mailed by regular mail; on the date it was sent if sent by electronic mail.*
- (j) *A Disputant has the right to seek a review of the Hearing Officer's determination by the Review Committee responsible for the Campus where the disputed Traffic Notice was issued.*
- (k) *A Disputant who seeks a review of a Hearing Officer's determination shall notify the Hearing Officer in writing on or before the 14th day from the date of receipt of the Hearing Officer's determination. If a Disputant fails to seek a review of the Hearing Officer's determination within the 14-day period, the Hearing Officer's determination shall be final and binding.*
- (l) *The commencement of a review does not operate as a stay or suspend the operation of the determination being reviewed unless the Review Committee orders otherwise.*
- (m) *Within five days of receipt of the Disputant's notice of review, the Hearing Officer shall send copies of the disputed Traffic Notice, the Disputant's notices of dispute and review, the Hearing Officer's written reasons for his determination and his file for the Dispute to the Review Committee.*
- (n) *The Review Committee shall review the Hearing Officer's determination on the basis of the materials sent to it pursuant to section 25(m) and shall not consider any additional evidence or arguments. The review by the Review Committee is not a re-hearing of the Dispute.*
- (o) *The Review Committee may make a decision by a majority of votes of its members. In the event of a tie vote, the Hearing Officer's determination shall be upheld.*
- (p) *The Review Committee may substitute its decision for the determination of the Hearing Officer. Sections 25(h) applies, with the necessary modifications, to the review by the Review Committee.*
- (q) *The Review Committee shall notify the Disputant of its decision, together with brief written reasons, by mail or electronic mail to the address provided by the Disputant or by another reasonable means selected by the Review Committee, with a copy of the decision to be provided to the Hearing Officer and Department.*
- (r) *The Review Committee's decision shall be final and binding and shall not be subject to further review by UBC.*