



*South Coast British Columbia  
Transportation Authority Act*

**FARE INFRACTION REVIEW  
REFERRAL REGULATION**

**B.C. Reg. 88/2013**

Deposited February 28, 2013 and effective September 16, 2013  
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**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

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This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at [www.bclaws.ca](http://www.bclaws.ca).

Prepared by:  
Office of Legislative Counsel  
Ministry of Attorney General  
Victoria, B.C.

*South Coast British Columbia Transportation Authority Act*

**FARE INFRACTION REVIEW  
REFERRAL REGULATION**

**B.C. Reg. 88/2013**

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**Definitions**

**1** In this regulation:

“**Act**” means the *South Coast British Columbia Transportation Authority Act*;

“**arbitrator's decision**” means a decision made by an arbitrator under section 256 of the Act;

“**chief judge**” means the chief judge of the Provincial Court;

“**disputant**” means a person seeking to have an arbitrator's decision referred to the Provincial Court for review;

“**judge**” and “**justice**” have the same meanings as in the *Provincial Court Act*;

“**judicial officer**” means a judge, and includes a justice if designated to act under this regulation by the chief judge under section 11 (1) of the *Provincial Court Act*.

**Receipt of arbitrator's decision**

- 1.1** (1) An arbitrator must set out in a notice of the arbitrator's decision under section 256 of the Act the date the arbitrator, or a person acting on behalf of the arbitrator, mails or emails that notice.

- (2) A disputant is conclusively deemed to have received a notice of an arbitrator's decision under section 256 of the Act 14 days after the date set out under subsection (1).

[en. B.C. Reg. 157/2015.]

**Starting a review**

- 2** To refer an arbitrator's decision to the Provincial Court for review in relation to a ticket issued under section 248 of the Act, the disputant must complete a referral for review in Form 1 and swear or affirm an affidavit in support in Form 2 and file those documents at the Vancouver Small Claims Registry within the period referred to in section 257 of the Act.

**Service on the authority**

- 3** The disputant must serve the authority with a copy of the filed documents by
- (a) leaving them with a receptionist at, or
  - (b) mailing them by registered mail to
- the authority's address for service given on Form 1.

[am. B.C. Reg. 242/2013, s. (a).]

**Authority must respond**

- 4** In order to respond to the disputant's referral for review, the authority must, within 28 days after service,
- (a) file at the Vancouver Small Claims Registry
    - (i) a response to referral in Form 3, and
    - (ii) any affidavit in support, in Form 4, that the authority wishes to file, and
  - (b) serve a copy of each of the filed documents on the disputant by
    - (i) mailing those copies to the address for service shown for the disputant on the referral for review,
    - (ii) leaving them with the disputant, or
    - (iii) emailing them to any email address shown for the disputant on the referral for review.

**Ticket cancelled on failure to respond**

- 5** If the authority does not file a response to referral within the 28 day period referred to in section 4, the court must order the ticket is cancelled if
- (a) the disputant files at the Vancouver Small Claims Registry
    - (i) an application in Form 5, and
    - (ii) a certificate of service in Form 6, and
  - (b) the registrar of the court is satisfied that the authority did not file a response to referral within the 28 day period referred to in section 4.

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**If ticket cancelled**

- 6** If the court orders that the ticket is cancelled under section 5, the registrar must provide a copy of that order, in Form 7, to the disputant and the authority in accordance with section 10.

**Judicial officer may determine issue without a hearing**

- 7** If the authority does file a response to referral within the 28 day period referred to in section 4, a judicial officer may, after considering the referral for review, the response to referral and the affidavits filed in support,
- (a) order that the ticket is confirmed, or
  - (b) determine that
    - (i) the judicial officer is not able, without receiving additional evidence, to decide whether the ground for cancellation referred to in the referral for review applies to justify the cancellation of the ticket, and
    - (ii) as a result of the need for additional evidence, a hearing is required.

[am. B.C. Reg. 76/2022, s. 3.]

**If ticket confirmed**

- 8** If a judicial officer orders that the ticket is confirmed under section 7 (a), the registrar of the court must provide a copy of that order, in Form 7, to the disputant and the authority in accordance with section 10.

**If hearing required**

- 9** If a judicial officer makes a determination under section 7 (b), the registrar of the court must provide a notice of hearing in Form 8 to the disputant and the authority in accordance with section 10.

**Provision of notice**

- 10** A document referred to in section 6, 8 or 9 must be provided as follows:
- (a) to the disputant by mailing the document to the address shown for the disputant on the referral for review or by emailing the document to any email address shown for the disputant on the referral for review, and
  - (b) to the authority by mailing the document to the address shown for the authority on the response to referral or by emailing the document to any email address shown for the authority on the response to referral.

**Proceedings at hearing**

- 11** If, at the date, time and place set for the hearing in the notice of hearing,
- (a) both a representative of the authority and the disputant attend, the judicial officer may conduct the hearing,

- (b) the disputant attends but a representative of the authority does not attend, the judicial officer may conduct the hearing and make an order in the absence of the authority's representative, or
- (c) a representative of the authority attends but the disputant does not attend, the ticket is confirmed and the disputant is indebted to the authority under section 250 of the Act for the unpaid portion of the ticketed amount.

#### Application of Small Claims Rules

- 12** (1) Rules 8 (4) and (6), 10 (1), (2) and (11) to (13), 15 (1) and (2), 16 (2) (c.1), (3) to (5), (6) (a), (d) and (k.1) to (o), (7) to (11), 17 (4), (6), (7), (9) to (17) and (20), 18 (16) and (17) (a), 19 and 21 (2) of the Small Claims Rules apply to a dispute referred to in this regulation.
- (2) For the purposes of subsection (1), a reference in a provision of the Small Claims Rules referred to in subsection (1) to any of the terms referred to in Column 1 of the following table is deemed to be a reference to the term set out opposite that term in Column 2 of that table.

Column 1	Column 2
claim	referral for review
claimant	disputant
defendant	authority
judge	judicial officer
party	disputant or authority
reply	response to referral
trial	hearing

[am. B.C. Reg. 242/2013, s. (b).]

#### Decision at hearing

- 13** At a hearing referred to in section 11, the judicial officer conducting the hearing may, by order,
- (a) confirm the ticket, or
  - (b) if the disputant satisfies the judicial officer, on a balance of probabilities, that one or more of the grounds referred to in section 253 (a) to (c) of the Act apply, cancel the ticket.

#### If ticket confirmed

- 14** If, under section 7 (a) or 13 (a) of this regulation, a judicial officer confirms the ticket, the disputant is indebted to the authority under section 250 of the Act for the unpaid portion of the ticketed amount.

#### Transitional proceedings

- 15** (1) In this section, “**interim referral for review**” means a document in Form 9.

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- (2) If, before the coming into force of this section, a disputant mailed an interim referral for review to the address shown at the bottom of that form within 30 days after receiving notice under section 256 (2) of the Act of the arbitrator's decision to which the interim referral for review applies,
- (a) the interim referral for review and any affidavit submitted in support must be provided by the Violation Ticket Centre to the Vancouver Small Claims Registry, to the attention of the registrar of that court,
  - (b) unless an affidavit in support of the interim referral for review was submitted before October 16, 2013 to the address shown at the bottom of that form, the disputant must, on or before October 16, 2013, swear or affirm an affidavit in Form 2 and file that affidavit at the Vancouver Small Claims Registry,
  - (c) the registrar of the court must deliver to the authority a copy of the interim referral for review and the supporting affidavit by
    - (i) mailing them to the authority's head office at 287 Nelson's Court, New Westminster, BC, V3L 0E7, or
    - (ii) faxing them to a fax number provided by the authority for that purpose,
  - (d) in order to respond to the disputant's interim referral for review, the authority must, within 28 days after delivery under paragraph (c),
    - (i) file at the Vancouver Small Claims Registry
      - (A) a response to referral in Form 3, and
      - (B) any affidavit in support, in Form 4, that the authority wishes to file, and
    - (ii) serve a copy of each of the filed documents on the disputant by
      - (A) mailing those copies to the address shown for the disputant on the interim referral for review, or
      - (B) leaving them with the disputant, and
  - (e) sections 5 to 14 of this regulation apply, and for that purpose,
    - (i) a reference in sections 5 to 14 and Forms 2 to 9 to a referral for review is deemed to be a reference to the interim referral for review,
    - (ii) a reference in Forms 2 and 3 to the date of filing of a referral for review is deemed to be the date the interim referral for review was received by the Violation Ticket Centre, and
    - (iii) a reference in sections 5 and 7 to "the 28 day period referred to in section 4" is deemed to be a reference to the 28 day period referred to in paragraph (d) of this section.

**FORMS**

FORM 1 (SECTION 2)

[am. B.C. Reg. 242/2013, s. (c).]

**REFERRAL FOR REVIEW**

*[South Coast British Columbia Transportation Authority Act]*

Registry File Number: .....

Court Location: Vancouver

In the Provincial Court of British Columbia

**In the case between:**

.....[*name of person disputing the ticket*]

and

South Coast British Columbia Transportation Authority

**Filed by:**

Name: .....[*name of person disputing the ticket*]

[*Set out the street address of the address to which documents may be mailed to you in relation to this dispute. An email address may be given as an additional address for service.*]

Address for service: .....

City: ..... Province: ..... Postal Code: .....

Telephone number: ..... Email: .....

**Notice to:**

South Coast British Columbia Transportation Authority

Address for service: 400 – 287 Nelson’s Court, New Westminster, BC, V3L 0E7

- 1 On .....[*date*], a ticket was issued to .....[*name*] [*Attach a copy of the ticket in dispute to the affidavit filed in support of this referral for review.*]
- 2 I appealed liability under the ticket to an arbitrator under section 253 of the *South Coast British Columbia Transportation Authority Act* and by notice dated ..... [*date*] the arbitrator confirmed the ticket. [*Attach a copy of the arbitrator’s notice to the affidavit filed in support of this referral for review.*]
- 3 I am not satisfied with the arbitrator’s decision. I believe that the arbitrator erred in confirming the ticket because it is my belief that [*Select the box(es) that apply(ies).*]  
 I did not commit the infraction as alleged



[ ] the ticket does not comply with section 249 (1) of the *South Coast British Columbia Transportation Authority Act*.

- 4 In support of this referral for review, I am filing an affidavit setting out the relevant facts.

The court address for filing documents is:

Robson Square Provincial Court  
#100-800 Hornby St.  
Vancouver, BC V6Z 2C5

Dated: ..... Signature of disputant: .....

FORM 2 (SECTION 2)

[am. B.C. Reg. 242/2013, s. (d).]

**REFERRAL FOR REVIEW AFFIDAVIT**

*[South Coast British Columbia Transportation Authority Act]*

Registry File Number: .....

Court Location: Vancouver

In the Provincial Court of British Columbia

**In the case between:**

.....[*name of person disputing the ticket*]

and

South Coast British Columbia Transportation Authority

I, .....[*name*]....., of .....[*address*].....,  
.....[*occupation*]....., SWEAR (OR AFFIRM) THAT:

- 1 I have read the referral for review signed on ..... [*date of signature*] and the facts set out in that referral for review are true.
- 2 Attached as Exhibit A to this affidavit is a copy of the ticket referred to in section 1 of the referral for review.
- 3 Attached as Exhibit B to this affidavit is a copy of the arbitrator's notice referred to in section 2 of the referral for review.
- 4 In support of my statement in section 3 of the referral for review, the following facts are relevant and true:

*[Using separate paragraphs, set out the material facts that support the statement set out in section 3 of the referral for review.]*

(a)

(b) etc.

SWORN (OR AFFIRMED) BEFORE )  
ME at ....., British Columbia )  
on .....[dd/mm/yy]..... ) .....  
)  
)  
A commissioner for taking )  
affidavits for British Columbia )  
...[print name or affix stamp of commissioner]...

FORM 3 (SECTION 4)  
[am. B.C. Reg. 242/2013, s. (c).]  
**RESPONSE TO REFERRAL**

*[South Coast British Columbia Transportation Authority Act]*

Registry File No. ....

Court Location: Vancouver

In the Provincial Court of British Columbia

**In the case between:**

.....[name of person disputing the ticket]

and

South Coast British Columbia Transportation Authority

**Filed by:**

South Coast British Columbia Transportation Authority (the “Authority”)  
Address for service: 400 – 287 Nelson’s Court, New Westminster, BC, V3L 0E7  
Email .....

**Notice to:**

Name: .....(the “Disputant”)  
Address for service: .....  
City: ..... Province: ..... Postal Code: .....  
Email: .....

1 This response to referral is filed in response to the referral for review filed by the Disputant on .....[date of filing].

- 2 On .....[*date ticket was issued*], a ticket dated .....[*date of ticket*] and numbered .....[*number of ticket*] was issued to .....[*name*].
- 3 The basis for the dispute set out in section 3 of the referral for review is not supportable because: .....
- 4 In support of this response to referral, the Authority  
     is filing an affidavit of .....[*name of person swearing the supporting affidavit*] setting out the relevant facts.  
     is not filing an affidavit.

The court address for filing documents is:

Robson Square Provincial Court  
#100-800 Hornby St.  
Vancouver, BC V6Z 2C5

Dated: ..... Signature of representative for the Authority: .....

FORM 4 (SECTION 4)

[am. B.C. Reg. 242/2013, s. (e).]

**RESPONSE TO REFERRAL AFFIDAVIT**

*[South Coast British Columbia Transportation Authority Act]*

Registry File Number: .....

Court Location: Vancouver

In the Provincial Court of British Columbia

I, .....[*name*]....., of .....[*address*].....,  
.....[*occupation*]....., SWEAR (OR AFFIRM) THAT:

- 1 I am .....[*indicate relationship to the South Coast British Columbia Transportation Authority*].
- 2 I have read the response to referral signed on ..... [date of signature] and the facts set out in that response to referral are true.
- 3 In support of the response to referral, the following facts are relevant and true:  
    [Using separate paragraphs, set out the material facts that support the ticket.]  
    (a)  
    (b) etc.

SWORN (OR AFFIRMED) BEFORE ME )  
at ..... , British Columbia )  
on .....[dd/mmm/yyyy]..... ) .....  
 )  
..... )  
A commissioner for taking )  
affidavits for British Columbia )  
...[print name or affix stamp of commissioner]....

FORM 5 (SECTION 5)

APPLICATION

*[South Coast British Columbia Transportation Authority Act]*

Registry File No. ....

Court Location: Vancouver

In the Provincial Court of British Columbia

**In the case between:**

.....[name of person disputing the ticket]

and

South Coast British Columbia Transportation Authority

**Filed by:**

Name: ..... (the “Disputant”)

Address for service: .....

City: ..... Province: ..... Postal Code: .....

Email: .....

- 1 By referral for review filed on .....[date], I did dispute my liability in relation to a ticket dated .....[date of ticket] and numbered .....[number of ticket] (the “ticket”) issued by or on behalf of the South Coast British Columbia Transportation Authority (the “Authority”).
- 2 A copy of the filed referral for review was served on the Authority on .....[date] by
  - [ ] me
  - [ ] .....[name]

- 3 The Authority has not filed a response to referral within the 28 day period referred to in section 4 of the Fare Infraction Review Referral Regulation.
- 4 I hereby apply for the cancellation of the ticket.

**NOTE: A certificate of service in Form 6 must be filed with this Application.**

The court address for filing documents is:

Robson Square Provincial Court  
#100-800 Hornby St.  
Vancouver, BC V6Z 2C5

Dated: .....

Signature of Disputant: .....

FORM 6 (SECTION 5)  
[am. B.C. Reg. 242/2013, s. (c).]  
**CERTIFICATE OF SERVICE**

*[South Coast British Columbia Transportation Authority Act]*

Registry File No. ....

Court Location: Vancouver

In the Provincial Court of British Columbia

**In the case between:**

.....[*name of person disputing the ticket*]

and

South Coast British Columbia Transportation Authority

I certify that I, ....., [*name*] served the attached referral for review and supporting affidavit(s) on the South Coast British Columbia Transportation Authority on ..... [*date*] by

[*Select whichever of the following is correct.*]

delivering a copy of those documents to its head office at 400 – 287 Nelson’s Court, New Westminster, BC, V3L 0E7, and leaving them with .....[*name*] who is a receptionist.

mailing those documents by registered mail to the authority at 400 – 287 Nelson’s Court, New Westminster, BC, V3L 0E7, and attached to this certificate is

[*Select whichever of the following is correct and attach the specified document.*]

a copy, produced by fax or otherwise, of the signature obtained by Canada Post at the time the document was delivered.

[ ] a print-out of the delivery confirmation made available on the internet by Canada Post. (<http://www.canadapost.ca>)

**NOTE: A copy of the referral for review and supporting affidavit(s) must be attached to this certificate. In addition, if the referral for review and affidavit(s) were served by registered mail, a copy of the proof of service referred to above must be attached to this certificate.**

Dated: ..... Signature of person who served the document: .....

FORM 7 (SECTION 8)

**ORDER**

*[South Coast British Columbia Transportation Authority Act]*

Registry File No. ....

Court Location: Vancouver

In the Provincial Court of British Columbia

**In the case between:**

..... *[name of person disputing the ticket]*

and

South Coast British Columbia Transportation Authority

BEFORE THE HONOURABLE JUDGE ) .....day, the ..... day  
) of ....., ...[yyyy]....  
)

On the application of .....*[name]*.....

[ ] without a hearing

[ ] after a hearing at .....*[Court location]*..... on  
.....*[mmm/dd/yyyy]*.....

Persons appearing:..... Lawyer: .....  
..... Lawyer: .....

THIS COURT ORDERS that the ticket dated .....*[date of ticket]* and numbered .....*[number of ticket]* that was issued to .....*[name of person disputing the ticket]* is

confirmed  
 cancelled

Dated: ..... BY THE COURT: .....

FORM 8 (SECTION 9)  
[am. B.C. Reg. 242/2013, s. (c).]  
**NOTICE OF HEARING**

*[South Coast British Columbia Transportation Authority Act]*

Registry File No. ....

Court Location: Vancouver

In the Provincial Court of British Columbia

**In the case between:**

..... *[name of person disputing the ticket]*

and

South Coast British Columbia Transportation Authority

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To: South Coast British Columbia Transportation Authority  
400 – 287 Nelson’s Court, New Westminster, BC, V3L 0E7

To: Name: .....  
Address for service: .....  
City: ..... Province: ..... Postal Code: .....

The dispute raised by the referral for review filed in this proceeding will be heard at the courthouse at #100-800 Hornby St., Vancouver, BC on .....[*date*] at .....[*time*].

Dated: .....

FORM 9 (SECTION 9)  
REFERRAL FOR REVIEW

*[South Coast British Columbia Transportation Authority Act]*



BRITISH  
COLUMBIA

REFERRAL FOR REVIEW

Ticket Number: \_\_\_\_\_ Date of Issue:  / /  
(DD / MM / YYYY)

Section number of infraction: *(from the front page of your ticket)*: \_\_\_\_\_

Your full name: \_\_\_\_\_

Your address: \_\_\_\_\_  
STREET CITY PROVINCE P.CODE

Phone: \_\_\_\_\_

Your date of birth:  / /  
(DD / MM / YYYY)

The basis for this review is:

The grounds set out in section 253 of the *South Coast British Columbia Transportation Authority Act*:

- the person did not commit the infraction as alleged;
- the ticket does not comply with section 249(1) of the Act; and/or
- any other ground for cancellation set out in the fare collection bylaw. The fare collection bylaw permits you to appeal liability under a ticket on the ground that relevant information was not submitted in the dispute procedure.
- Other: \_\_\_\_\_

Attached to this form are:

- A copy of the Fare Infraction Ticket
- A copy of the Arbitrator's decision
- Additional materials relevant to my Application *(please give a brief description below)*: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE DATE

\_\_\_\_\_  
PRINT NAME

To refer the decision to the Provincial Court for Review as per S.257 of the *South Coast British Columbia Transportation Authority Act*, you must mail this Referral for Review **(within 30 days after receiving the arbitrator's decision)** to the address below:

Attention to: Supervisor of the Violation Ticket Centre  
PO Box 2164 STN Main  
Vancouver, B.C. V6B 3V3

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