

TRIAL LAWYERS ASSOCIATION *of* BC

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Chief Justice finds key provisions of the *Civil Resolution Tribunal Act* unconstitutional

Vancouver, BC – Today the Chief Justice of the Supreme Court of British Columbia struck down as unconstitutional key provisions of the *Civil Resolution Tribunal Act*. This is now the second time in 18 months that the government’s ICBC reforms have been found to violate the constitution. This ruling also raises serious legal questions about the NDP’s decision to impose mandatory ICBC no-fault insurance on British Columbians because the CRT features prominently in the no-fault scheme.

The Court has declared that it is unconstitutional for the government to simply re-assign the determination of accident claims to its own online tribunal, and out of the courts. In so doing, the Court has provided a check on the government’s ability to create its own tribunal to decide claims against ICBC, while at the same time affirming the historic right of accident victims to pursue remedies for their injuries before the courts.

Melissa Rondpre, one of the lead plaintiffs involved in the challenge, argued that “... to have a fair process you should get an impartial judge, that evidence should be given, and witnesses should be questioned. Submitting information to a tribunal online just because it is quick is an unfair process.”

According to TLABC President Kevin Gourlay, “This is all about access to justice. If ICBC wrongly tells you that you were at fault for an accident or wrongly tells you that your injuries are minor, you should have access to an independent Court. This unconstitutional law created an online government tribunal into which ICBC intended to force certain accident claims. This ruling ensures your right to access a court if ICBC makes an incorrect decision affecting your rights. It does so by declaring that the government cannot give the power to decide accident claims to its own online tribunal.”

About TLABC

The mission of the Trial Lawyers’ Association of BC is to support and promote the rights of individuals in British Columbia.

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