

Appeal, Review, and Complaint Procedures

Our Commitment to Procedural Fairness

We are committed to conducting procedurally fair hearings where:

- You have a chance to give information and evidence to support your position and to know and respond to the information given by the other side
- You have information about the decision-making criteria and process
- Your decision-makers are impartial
- You receive a decision within the statutory deadlines
- You receive reasons explaining the decision
- You are informed of any appeal or review procedures available

What can I do if I feel I was not treated fairly?

Board Chair Complaint

You can send a written complaint to the Board Chair. In your complaint, clearly and concisely set out what you found to be unfair. The Board Chair has discretion to order a new hearing to cure a procedural fairness issue. Complaints to the Board Chair may also help us identify areas where we need to improve our services and procedures.

Ombudsperson Complaint

You can complain to the office of the Ombudsperson. They can conduct independent investigations to ensure that government bodies treat people fairly. In some cases, they can recommend that the government body fix a problem or improve its practices and procedures. Contact the office of the Ombudsperson for more details about making a complaint. Visit their website at www.bcombudsperson.ca or call 1-800-567-3247.

What can I do if I disagree with the decision?

Judicial Review

If you believe the review panel's decision was unreasonable or unfair, you can apply to the court for a judicial review.

A judicial review is a court action. A judge reviews the decision for serious errors or unfairness. A judicial review is not a rehearing of your case. The remedies a court can give are limited. If the court agrees with you, the court will usually set aside the decision and order the Board to hear your case again.

You must apply for a judicial review within 60 days of the date the decision was issued (*Administrative Tribunals Act*). You are strongly encouraged to get legal advice about judicial review.

Application to Court for Discharge

If you believe there is not sufficient reason or legal authority for a certificate, you can apply to the court under section 33 of the *Mental Health Act*.

The court may review the evidence, including all records relating to your admission or detention, and decide whether the four criteria for certification continue to describe your condition. The court may make several orders including that you be discharged/decertified. You are strongly encouraged to get legal advice about court applications under section 33.

Contact us:

Mental Health Review Board

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