

Participant Access to Complaint Record Policy

1. Introduction

This policy addresses:

1. how a party may request access to the Complaint File;
2. recording of Tribunal proceedings;
3. how a participant may request access to recordings and transcripts.

2. Definitions

Complaint File means the record of communications in the Tribunal's complaint file that is either filed by the participants or delivered by the Tribunal to the participants.

Participant means:

- (a) a complainant;
- (b) a respondent;
- (c) a person or group of persons allowed by order of the tribunal to intervene in a complaint;
- (d) a person or group of persons who makes an application; and
- (e) a person or group of persons who may be affected by an application;

Party means a complainant or respondent.

3. Party Access to Complaint File

A participant in a complaint is responsible for keeping a record of the communications they send to and receive from the Tribunal and other participants.

Generally, the Tribunal only gives a party access to the Complaint File.

A party may request that the Tribunal provide the Complaint File or a part of it, to the party's address for delivery, and must provide a reason for the request. A party may make the request:

- a) by sending a written request to the Tribunal, or
- b) in person at the Tribunal's offices, with proof of identification.

4. Recording of Tribunal Proceedings

A participant must not record any part of a Tribunal proceeding.

The Tribunal records its hearings and may record pre-hearing conferences.

A participant may request that the Tribunal record a pre-hearing conference. They must provide a reason for the request.

5. Participant Access to Recordings and Transcripts

The Tribunal's Rules of Practice and Procedure address recordings and transcripts of hearings in rule 32.

The Tribunal may allow a participant to listen to an audio recording for the following reasons:

- a) as an accommodation, or
- b) for other reasons related to the participant's participation in the complaint proceeding or related judicial review proceeding.

A participant may apply to the Tribunal using Form A to request permission to listen to the audio recording.

Any unofficial transcript made by a participant who has been permitted to listen to the audio recording does not form part of the Tribunal's record of the proceedings.

A participant who would like a certified transcript of all or part of a hearing must notify the Tribunal and request directions. The participant bears the cost of obtaining a certified transcript of all or part of a hearing. A certified transcript forms part of the Tribunal's record of the proceedings.