



Guidelines for Appeals to the Superintendent of Motor Vehicles of Certain ICBC Decisions

Application

This document sets out the policies and procedures governing appeals to the Superintendent of Motor Vehicles (the "Superintendent") of certain decisions made by the Insurance Corporation of British Columbia (ICBC). The authority for this appeal process is in Part 2.1 of the *Motor Vehicle Act* (the "MVA").

Drivers prohibited from driving for being unlicensed may appeal one of the decisions below.

These policies and procedures may be amended from time to time.

Decisions Which May be Appealed

The following ICBC decisions may be appealed to the Superintendent:

- imposing a restriction or condition on a person's driver's licence under section 25(14) of the MVA
- refusing to issue a driver's licence under section 26(1) of the MVA
- cancelling a person's driver's licence under section 26.1 of the MVA
- issuing a short term driver's licence because of debt under section 27 of the MVA
- prohibiting a person from driving a motor vehicle due to an unsatisfied judgment under section 91 of the MVA
- refusing to issue a driving school licence or a driving trainer's instructor's licence
- refusing to accept proof of financial responsibility (insurance) in the form of a certificate referred to in s. 106(2)(b) because the insured party is not based out-of-province
- refusing to issue a financial responsibility card, decal or sticker referred to in section 111;
- cancellation of someone's financial responsibility card

NOTE: The Superintendent does not have the authority to remove or reduce the amount of any debt, including interest.

How to Appeal

Someone affected by one of these ICBC decisions has the right to appeal that decision to the Superintendent of Motor Vehicles. The appeal must be made within 30 business days after the person is notified of the decision.

A Notice of Appeal form is available from ICBC Driver Licensing Offices or RoadSafetyBC. Completed forms must be sent to RoadSafetyBC at the following address:

Appeals Registry
RoadSafetyBC
PO BOX 9254 Stn Prov Govt
Victoria BC V8W 9J2

Telephone: (250) 356-6573
Fax: (250) 356-6544

The fee for an appeal is \$50.00, which must accompany the Notice of Appeal, payable by cheque or money order to the Minister of Finance. The fee may be waived if the appellant files an Application to Waive the Appeal Fee form and provides documentation verifying either that the applicant is receiving BC Benefits, or that their monthly income is equal to or less than that received on BC Benefits. The \$50.00 fee will be refunded if the appeal is successful.

Appeal Process

Appeals are made by way of written submissions received from the appellant and ICBC.

When RoadSafetyBC receives an appeal they notify ICBC within a couple of days. Within 7 days of being notified of the appeal, ICBC will send copies of their submission to the applicant and RoadSafetyBC.

RoadSafetyBC will then notify the applicant of the deadline to respond to ICBC's submission. If the applicant responds, the Superintendent assigns the file to an adjudicator and a written decision will be sent within 7 days. **If the client does not respond to ICBC's submission, they will be deemed to have abandoned their appeal and the file will be closed.** The appeal fee will not be refunded in these circumstances.

Either party may request an extension to submission deadlines in unusual circumstances. The entire process will usually take 5 to 7 weeks.

Applicant Responsibilities

Applicants are responsible for remaining an active participant in the appeal process. This means they must make a written submission in response to ICBC's submission for the appeal to remain active. Applicants must also ensure that ICBC and RoadSafetyBC have their current address so they can be sent notices and documentation related to the appeal.

General

Each party is solely responsible for making its own case and the costs associated with making its case.

Statement of Limitations

Information in this fact sheet is current as of February 26th, 2016. The language is not the same as the legal and technical terminology within the applicable Acts and Regulations. Any contradiction, dispute or difference between the contents of this fact sheet and the legislation and regulations shall be resolved only by reference to the appropriate Acts or Regulations.