

## **18 RECONSIDERATION OF A TRIBUNAL DECISION**

### **18.1 REQUEST FOR RECONSIDERATION**

The Tribunal may, on its own initiative or upon request of a party, if the request is made within 21 days of the date of the decision, reconsider any decision of the Tribunal that finally disposes of an appeal.

A request for reconsideration from a party should be in the form, if any, that is provided on the Tribunal's website for reconsideration requests. The request must be served on all other parties and must include:

- (a) All submissions in support of the request, which must specify the applicable criteria under Rule 18.2;
- (b) Notification if the party is seeking judicial review or pursuing an appeal in relation to the decision; and
- (c) The remedy or relief sought.

The determination of the request for reconsideration shall be heard by written submissions and may be heard by the same Member whose decision is the subject of the request.

### **18.2 CRITERIA FOR GRANTING RECONSIDERATION**

The Tribunal shall not make an order under 18.4(b) unless satisfied that one or more of the following criteria are met:

- (a) The Tribunal acted outside its jurisdiction or violated the rules of procedural fairness;
- (b) The Tribunal made an error of law or fact such that the Tribunal would likely have reached a different result had the error not been made;
- (c) The Tribunal heard false evidence from a party or witness, which was discovered only after the hearing and likely affected the result; or

- (d) There is evidence that was not before the Tribunal when rendering its decision, could not have been obtained previously by the party now seeking to introduce it, and would likely have affected the result.

### **18.3 OPPORTUNITY TO MAKE SUBMISSIONS**

Responding parties will have an opportunity to make submissions before any order is made under 18.4(b).

### **18.4 OUTCOME OF RECONSIDERATION**

Upon reconsidering a decision of the Tribunal, the Tribunal may:

- (a) Dismiss the request; or
- (b) After providing responding parties an opportunity to make submissions,
  - (i) Confirm, vary, or cancel the decision or order; or
  - (ii) Order a rehearing on all or part of the matter.

If the Tribunal orders a rehearing of the matter, the Tribunal may make any order that it could make following a case conference.

### **18.5 APPLICATION OF RULE 18**

Despite Rule 1.4, this Rule applies to any request for reconsideration of a decision or order issued on or after January 28, 2019. Requests for reconsideration of decisions or orders issued before January 28, 2019 will be dealt with in accordance with the Rules existing at the time the decision or order was issued.