Passenger Transportation Board
MOVING FORWARD, TOGETHER

Submissions - Applications

Context

Section 28(1) of the Act sets out the criteria the Board must consider on an application. The Board must first consider whether the applicant is a fit and proper person, and capable of providing the proposed service. If the applicant passes this threshold test, the Board will then consider whether there is a public need for the service and whether the application, if granted, would promote sound economic conditions in the passenger transportation industry in B.C.

Any person can provide a submission supporting or objecting to an application, including licensees, businesses, prospective passengers, or other interested parties. Submissions are an opportunity to give information to the Board to help make a decision about an application. For example, submitters who are licensees can tell the Board about their business, transportation opportunities in their communities, and how the application could affect their services.

This policy details how the Board may consider and weigh written submissions from submitters on an application.

Applicability

This policy applies to submissions on an application for a special authorization.

This policy does not apply to:

- Urgent public need applications

- Temporary operating permit applications
- ICB streamlined application process

Policy

The Board considers submissions received when deciding on an application. The Board must consider all written submissions filed within the submission deadline and accompanied by the $50 submission fee. Submissions may either support or oppose part or all of an application before the Board. A person making a submission does not become a party to the application process.

The Board will likely give more weight to submissions that:

- Relate directly to the section 28(1) considerations outlined above; and
- Provide the Board with factual information to support or confirm statements.

The Board will not speculate as to a submitter's case and may give little weight to irrelevant information or general statements not supported by facts. For example, a statement that an application should be denied because "there is no public need" is a general statement. It does not provide the Board with factual information or evidence about why there is no public need.

More information about section 28(1) considerations can be found under their respective headings in this policy manual and under the Related Topics heading below.

Confidential submissions

In certain circumstances, the Board may accept a part of a submission in confidence. RPP 18 details what and how the Board will accept confidential information.

Submission deadlines

Timelines for submissions may vary and are stated when the application is posted in the Board's bulletin on its website. Submissions should be complete, as the Board may not accept follow-up or supplemental submissions received after the submission deadline has passed.

Legislation

7 (1) Without limiting section 6 (4), the board may do any or all of the following: …

(d) make rules respecting practice and procedure for all applications, appeals, submissions and hearings coming before the board and for all investigations under paragraph (b);

27 (2) Any person may, within the time period specified by the board and on payment of the prescribed fee, make a written submission to the board respecting the application forwarded to it under section 26 (1) …

(4) The board may permit a person to make submissions, respecting an application, for consideration at a hearing,

(a) at the time and in the manner specified by the board, and

(b) if the person is not the applicant, on payment of the prescribed fee.

(5) Unless the board directs otherwise, a person making a submission respecting an application does not, merely because of that submission, become entitled to

(a) participate any further in the application process, and

(b) obtain any further information or disclosure respecting the application.

(6) The board may, in its sole discretion, waive or reduce a fee payable under subsection (2) or (4) or any costs that the board is entitled to claim.

28 (1) The board may approve, in whole or in part, an application forwarded to the board under section 26 (1) [other licence applications] after considering the following:

(a) whether the applicant

(i) is a fit and proper person to provide the service the applicant proposes to provide under the special authorization, and

(ii) is capable of providing the service;

(b) if the board considers that the applicant is a fit and proper person to provide the service and is capable of providing the service,

(i) whether there is a public need for the service, and

(ii) whether the application, if granted, would promote sound economic conditions in the passenger transportation industry in British Columbia.

Related topics:

- Support or object to an application
- Board rules of practice and procedure: RPP 13-18; 46-48
- Capable policy
- Fit and proper policy
- Public need policy
- Sound economic conditions policy
- Social media policy
- Demonstrating public need and sound economic conditions
- Hearings