



Energy Resource Appeal Tribunal

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Dispute Resolution and Settlement

Negotiation by the parties

The Tribunal encourages parties to resolve their differences and settle appeals. Settlement can take place at any time in the appeal process. The parties are free to communicate with one another without involving the Tribunal. Often, this is the best way to resolve their disagreements.

The Tribunal's dispute resolution procedures

The Tribunal tries to help parties resolve their disagreements. It will consider the information it gets from each one and decide if the appeal can likely be settled. The Tribunal is likely to raise the issue in pre-hearing conferences and it may offer mediation to help the parties resolve their disagreements.

Mediation is only done when all parties agree to take part, and can help the parties communicate productively to resolve their disagreements. Parties might settle all issues under appeal or only some of them. When the parties can resolve issues without a hearing, the outcome of the appeal becomes faster, more cost-effective, and resolved on the terms of the parties, rather than imposed by the Tribunal.

What happens if the issues are resolved?

If the parties reach a mutually acceptable agreement, there are three ways to proceed:

1. The appellant can withdraw the appeal if there is no need for them to continue it. To withdraw the appeal, the appellant just has to write to the Tribunal and say that they are withdrawing the appeal.
2. The parties can write down their agreement that settles the appeal. The agreement can be signed by the parties, like a contract. It does not have to be provided to the Tribunal, and the appellant can write to the Tribunal to say they are withdrawing the appeal or not pursuing certain issues in the appeal, as set out in the settlement agreement.
3. The parties can write down a settlement agreement and ask the Tribunal to include that agreement in an order. This is called a "consent order" and can be registered with the British Columbia Supreme Court and enforced like a court ruling. To get a consent order, the parties have to prepare a copy of the order (the Tribunal has a

[Sample Settlement Order](#) that you can fill in on its website). The order has to be signed by all parties and given to the Tribunal, with the space for a member's signature and signing date left blank. The Tribunal can sign a settlement order if the agreement is consistent with applicable laws. If the Tribunal refuses to sign a settlement order, it must provide a written decision explaining why. The Tribunal posts the settlement orders it issues on its website.

If the parties cannot settle an appeal between themselves or with a mediation, the Tribunal will decide the appeal after a hearing.