



Blueberry River First Nations

ON-RESERVE HOUSING POLICY



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12 APPEALS

The ability to appeal a decision is essential to ensuring the integrity of the Policy and fairness of the process. In turn, with the right to appeal, also comes the responsibility of following the procedures and respecting the outcome.

12.1 General

12.1.1 All Appeals will be decided by the Housing Committee.

12.1.2 All decisions are final and may not be appealed a second time.

12.2 Grounds

12.2.1 Any Applicant, Tenant, or Occupant may appeal a decision made under this Policy, provided that at least one of the following criteria are met:

- a) The decision made was contrary to the Policy.
- b) The Policy was improperly or erroneously interpreted or applied.
- c) There was a lack of procedural fairness (i.e. procedural error, improper investigation, bias, favouritism, or discrimination).
- d) New information has been identified that may impact the original decision.
- e) The policy or procedure itself is:
 - i. Defective (i.e. incomplete or erroneous);
 - ii. Unreasonable (i.e. cannot be rationally supported);
 - iii. Unjust (i.e. partial or discriminatory); or
 - iv. In contravention of BRFN's laws or authority.

12.3 Submission & Notification

12.3.1 Any Applicant, Tenant, or Occupant who wishes to appeal a decision made under this Policy must:

- a) Submit their appeal in writing to the Housing Coordinator within fourteen (14) calendar days of having been advised of the decision which they are appealing. The appeal must include:
 - i. Reason for appeal.
 - ii. Description and date of original decision.
 - iii. Contact information (name, address, phone, and email).
- b) Retain a copy of the appeal letter for their own records.



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12.4 Review

12.4.1 The Housing Coordinator will review the appeal and within three (3) business days will:

- a) Send written notification to the Appellant confirming receipt.
- b) Notify the Housing Committee in writing, propose a date for a meeting, and provide:
 - i. A copy of the Appeal.
 - ii. Any relevant background information.
 - iii. His / her opinion regarding the Appeal.

12.4.2 Based on the information provided, the Housing Committee will take one of the following actions:

- a) Reject the Appeal based on insufficient Grounds.
- b) Approve the Appeal due to a clear and indisputable violation of the Policy.
- c) Schedule a meeting with the Appellant and Housing Coordinator to discuss the Appeal.

12.4.3 If the Appeal is rejected or approved by the Housing Committee, the Housing Coordinator will send a written notice to the Appellant explaining the decision.

- a) The letter must be reviewed and signed-off by the Housing Committee.

12.4.4 If the Housing Committee requests a meeting with the Housing Coordinator and Appellant, the Housing Coordinator must:

- a) Set a date for the meeting to occur within ten (10) business days.
- b) Confirm the date with the Housing Committee and Appellant and request that the Appellant:
 - i. Gather any supporting documentation.
 - ii. Prepare a verbal argument to be presented at the meeting.
- c) Gather any supporting documentation and prepare:
 - i. A written response to the Appellant's claims.
 - ii. A verbal argument to be presented at the meeting.
- d) The presence of the Appellant at the meeting is mandatory so that he / she may present his / her position, listen to the Housing Coordinator's position, and / or answer any questions that the Housing Committee may have.
- e) If the Appellant is not able to physically attend the meeting, he / she may arrange to participate via teleconference. This must be arranged with the Housing Coordinator prior to the meeting date.
- f) The Housing Coordinator may follow up with the Appellant via phone or email to confirm that the Appellant has received notice of the meeting and is aware of the procedures.



12.5 Meeting

- 12.5.1 The Housing Committee, Housing Coordinator, and Appellant will meet to discuss the Appeal. The Meeting will be led by a member of the Housing Committee.
- 12.5.2 During the meeting, the Housing Coordinator and Appellant will each present their position. Each party will be allowed an equal period of time, as defined by the Housing Committee. The Housing Committee may ask questions at the completion of each presentation or open the meeting up to a discussion period.
- 12.5.3 The Housing Committee will consider the arguments presented and determine the extent to which the decision under question was made:
 - a) According to the Housing Policy;
 - b) Without bias or favouritism; and
 - c) Without error in the interpretation or application of the housing policy or community bylaws.
- 12.5.4 Upon completion of the presentations and questions, the Housing Committee will either:
 - a) Make a decision at the meeting; or
 - b) Further deliberate and decide within two (2) business days.

12.6 Decision & Notification

- 12.6.1 On completion of the review of the Appeal, the Housing Committee shall provide written notice of his / her decision to the Housing Coordinator within two (2) business days to confirm that either:
 - a) The decision being appealed has been revised in favour of the Appellant; or
 - b) The Housing Policy was followed and there are no reasonable Grounds for an Appeal.
- 12.6.2 The Housing Coordinator shall provide written confirmation to the Appellant to confirm the Housing Committee’s decision regarding the appeal within three (3) business days of the appeal meeting.
- 12.6.3 The Housing Coordinator shall take action as advised by the Housing Committee regarding the Appeal.
- 12.6.4 Where the Housing Committee has revised a decision due to a fault in the original policy or procedure, the Housing Committee shall direct the Housing Coordinator to draft an Amendment for approval by Chief and Council and incorporation into the Policy.



12.6.5 The decision of the Housing Committee shall be final and no other appeal shall be heard.

