

Standard Reviews: Abandonment or Failure to Participate in Review Program Policy

Authority

Section 19 of PAPA determines what occurs when a recipient requests a review under Section 7 of the [Provincial Administrative Penalties Act](#) (PAPA), then abandons or fails to participate in the review.

Under Section 19(1)(a) and 19(2) of PAPA, a recipient who requests an oral review and fails to attend at the oral review will be deemed to have abandoned the review unless they provide material in support of the review, in which case the review will be converted to a written review.

Under Section 19(1)(b), a recipient who requests a written review but fails to provide any material in support of the written review will be deemed to have abandoned the written review.

Under Section 19(3) of PAPA, a recipient may also abandon the review whether oral or written by notifying the Director or paying the fine and any applicable charges.

Relevant Legislation

Sections 7(1), 19 and 20 of PAPA

Section 10(3) of the [Provincial Administrative Penalties Regulation](#) (PAPR)

Relevant Policies

[Standard Reviews: Requesting and Scheduling Program Policy](#)

[Late Reviews: Overview Program Policy](#)

[Late Reviews: Late Evidence Applications Program Policy](#)

1.0 Purpose

The purpose of this policy is to provide clarity and guidance on the Director's interpretation of Section 19 of PAPA, as well as policies and procedures adopted to implement Section 19 of PAPA to ensure procedural fairness to the recipient while protecting the integrity of the decision-making process.

2.0 Background

A recipient may submit a request for review, then fail to take one or more of the expected next steps in the process. In the case of a written review, these missed steps may include failure to file material in support of the request for review. In the case of an oral review, these missed steps may include both failure to file material in support of the request for review and failure to attend at the scheduled oral review.

Section 19 of PAPA mandates how a review is to be treated in certain circumstances of abandonment or failure of participation, but does not detail how a recipient can make their own wishes and intentions known.

3.0 Policy

3.1 Initial Election (Oral Reviews)

In order to submit a request for an oral review, a recipient will be required to make an election on how they wish to proceed in the event they do not take any further steps in the review. This is to ensure that a review is dealt with in accordance with the recipient's wishes and intentions, and to prevent inadvertent final decisions from being rendered contrary to the recipient's wishes and intentions.

The possible elections are as follows:

- to abandon the oral review, in which case the NAP is confirmed without a written decision; or
- to convert the oral review to a written review, in which case a final written decision will be rendered on the basis of all information and materials submitted within the statutory timelines.

3.2 Change of Election (Oral Reviews)

A recipient may change their election at any time up to 11:59 pm on the day before the scheduled review. The recipient's election will not be considered final until the scheduled date for review.

If a recipient reschedules the date for review to a new date, the recipient's ability to change their election will be calculated in accordance with the new date.

3.3 Inability to Change Election Due to Exceptional Circumstances (Oral Reviews)

In rare situations, a recipient may be prevented from changing their election due to exceptional circumstances beyond their control, with the result that the review was not dealt with in accordance with the recipient's wishes and intentions.

In such cases, a recipient may apply for a late review ("Late Review") in accordance with Section 20(2)(b) of PAPA. In order to obtain a Late Review, the recipient must establish prescribed exceptional circumstances as set out in Section 10(3) of SAR. For more information, see the [Late Reviews: Overview Program Policy](#).

3.4 Abandonment Due to Failure to Provide Material in Support of Review (All Reviews)

A recipient who requests and schedules a review and then fails to provide any material in support of the request shall be deemed to have abandoned the review and will have their NAP confirmed without written decision.

In order to provide “material in support,” a recipient at a minimum must have articulated a basis to cancel or vary the NAP.

This policy applies to oral reviews notwithstanding the recipient elected to convert their oral review to a written review.

3.5 Abandonment via Notice to Director (All Reviews)

At any time after requesting and scheduling a review, a recipient may immediately abandon a review by submitting an abandonment through the SafeRoads portal or at an Alberta registry agent.

3.6 Abandonment via Payment of Fine and Charges (All Reviews)

At any time after requesting and scheduling the review, a recipient may immediately abandon the review by paying the fine, surcharge and late payment charges, if any.

3.7 Oral Abandonment (Oral Reviews)

Where a recipient requests and attends at an oral review, the recipient may abandon the review by notifying the adjudicator at the outset of the oral review that they will not be proceeding and wish to abandon the review.

3.8 Abandonment for the Purpose of Making a Late Evidence Application (All Reviews)

A recipient who seeks a Late Review in order to await evidence that is not available within standard timelines is required to abandon the Standard Review prior to the completion of the review to ensure that they receive only a single review and decision on the merits of the NAP. Abandonment for this purpose may be effected by any means detailed above.

For more information on the process of making a late evidence application and requirements to qualify, see the [Late Reviews: Overview Program Policy](#) and the [Late Reviews: Late Evidence Applications Program Policy](#).

3.5 Review Cycle

The policy will be reviewed on an annual basis and may be reviewed and updated as required.

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Approved by:

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