

Guide to Disputing a Ticket

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Introduction

The Provincial Court of British Columbia deals with three types of tickets:

- [Provincial Violation Tickets](#) – for offences under B.C. laws, including traffic offences under the [Motor Vehicle Act](#) and regulations, and offences under the [Liquor Control and Licensing Act](#)
- [Federal Contravention Tickets](#) – for offences under Canadian laws, such as fishing without a licence under the federal [Fisheries Act](#)
- [Municipal Ticket Informations](#) – for offences under municipal bylaws

This Guide deals with the first type - **provincial violation tickets**. Trials of these tickets are usually conducted by [Judicial Justices](#) (also called “justices”) in what is often called “Traffic Court”, although other provincial offences are dealt with there.

So when the Guide refers to a “ticket” it means a provincial violation ticket, including both traffic tickets and tickets issued under other provincial laws.

When the Guide refers to an “officer” it includes a police officer and bylaw or other enforcement officer.

You’ll find explanations of other words used in the Guide in the [Definitions](#) section at the end.

The Guide is intended to answer common questions about provincial violation ticket procedures and offer information on how to prepare for and conduct a trial. It does not provide [legal advice](#) and should not be used as a substitute for advice from a lawyer.

For information on the other types of tickets, see [Federal Contravention Tickets](#), [Municipal Ticket Informations](#), and [Traffic, Ticket and Bylaw Cases](#).

How do I dispute my ticket?

Check the ticket for instructions on how to dispute it. You must register your dispute **within thirty days** of getting your ticket. (For a [Municipal Ticket Information](#) you may only have 14 days to register your dispute.)

There are several ways to register a dispute:

- In person at any driver licensing office. Be sure to bring your ticket with you.
- In person at any B.C. Provincial Court registry. You will need to bring your ticket, and also fill out a [Notice of Dispute](#) form. Get the *Notice of Dispute* form online or at the registry itself.
- Mail a copy of your ticket with a letter stating whether you are disputing the offence or the fine amount to:

Ticket Dispute Processing
Bag #3510
Victoria, B.C. V8W 3P7

Be careful to fill out your mailing address completely on the *Notice of Dispute* so that you can be notified of the trial date by mail. For example, don't forget your box number, apartment number and postal code.

After your *Dispute* is registered, you will receive a *Notice of Hearing* in the mail. It may be several months before you receive the *Notice of Hearing*.

The *Notice of Hearing* tells you the date that you are to come to court for your trial (also called a "hearing"). This is the day you come to court prepared to hear the officer present their case and prepared to present your case to the court.

On the *Notice of Dispute* you can request an [interpreter](#) at no cost to you. The interpreter may attend your hearing in person or by telephone. If English is your second language, consider that you might be nervous on the hearing date and there may be legal terms used that are new to you in English. Having an interpreter may help you understand what goes on in court and help the [judicial justice](#) conducting your hearing to understand you.

What if I only want to dispute the fine?

If you agree that you committed the offence, but just want to ask for a lower fine than the one shown on your ticket, or extra time to pay the fine, you must first register a *Notice of Dispute*.

You can note what you're asking for on the *Notice of Dispute*, and then dispute the fine amount either:

- in person at any B.C. Provincial Court registry, or
- by filling out and mailing in a second form called the [Violation Ticket Statement and Written Reasons](#). Complete that form, explaining the reasons you're asking for a lower fine. Send this form to the Ticket Dispute Processing address shown above, as soon as you can to avoid a date being set for a hearing.

You may also ask for more time to pay your fine. If you don't ask for time to pay, the fine will be due immediately.

A justice will review your reasons and make a decision. You will not have to come to court if you fill out and send in this form. Explain thoroughly why you are asking for a reduced fine and time to pay. Understand that:

- A justice **cannot reduce penalty points**. These are set by regulations.
- A justice cannot consider reducing the fine unless you admit to being guilty or you are found guilty after a hearing.
- There are some fines that a justice cannot reduce below a minimum amount set by law. **However**, they can always give you 'time to pay' if you explain why you need more time. If you don't ask for time, a fine must be paid immediately.

What if I want a lawyer to conduct my hearing?

If you want a lawyer to represent you at your hearing, you should hire a lawyer by the time that you send in your *Notice of Dispute*. The lawyer's schedule will have to be considered when a date is set for your hearing and many lawyers are not available on short notice.

If you hire a lawyer they will generally give the Violation Ticket Center dates when they are available for your hearing.

What happens if I move before I get my Notice of Hearing?

If you change your address after you filed the *Notice of Dispute* and before you get the *Notice of Hearing*, complete a [Change of Address form](#) and send it to the Violation Ticket Centre at the address on the form. Changing your address with ICBC and the Motor Vehicle Branch is not enough. If you change your address **after** getting the *Notice of Hearing*, send the form to the Violation Ticket Centre and to the court.

What if I can't come to court on the date of the hearing?

When you get your *Notice of Hearing*, check the date right away. If it is on a date that you are already scheduled to be somewhere else and you cannot easily change the other matter, you have the right to ask for a different hearing date.

Last minute requests may not succeed. Complete and send in an [Application to Adjourn a Hearing](#) as soon as you can. Explain in detail on the form why you are unable to come to court on the scheduled date.

- Be thorough and attach copies of any supporting documents that you have: for example, your trip itinerary, hotel reservations, written invitation, appointment card or doctor's letter.
- If you book a flight after you receive your *Notice of Hearing*, explain why you didn't put your court date first. If you don't explain you may not get a new court date.
- If your case is moved to a different date, it may be several months before your next hearing date.
- If you do not come to court on the date on the *Notice of Hearing* and if you have not been given a new court date, your ticket will be treated **as if you did not dispute it.**

Can someone else go to court for me?

You must come to court yourself if you want the justice conducting the hearing to consider your side of the story. You cannot usually send in a written statement, nor can you send someone else to tell your side of things by testifying on your behalf (unless that person was a witness present when the incident happened). It is best to attend yourself.

However, you can send another person to court to ask for a different hearing date if you have suddenly become unavailable and did not have time to send in the *Application to Adjourn*.

Also, another person may be able to come to court for you to ask questions of the officer and make legal arguments in the hearing (with the permission of the judicial justice), but that person cannot tell your side of the story if you are not at court and they did not witness the incident.

What should I do to get ready for the hearing?

If you haven't already done so, write notes about what happened. The best time to do that is right after the incident that resulted in the ticket. If you didn't do that, write out all you remember happening, and make notes of the points you want to make at your hearing. You may be questioned (cross-examined) about your notes if you refer to them while testifying.

Find out exactly what you're charged with. The ticket will show an offence. Look up the offence online and read the statute section – it tells you what the evidence must prove for you to be found guilty at your hearing.

- Motor Vehicle Act:
http://www.bclaws.ca/civix/document/id/consol17/consol17/96318_00
- BC Acts in alphabetical order:
<http://www.bclaws.ca/civix/content/complete/statreg/?xsl=/templates/browse.xsl>
- Canada's federal laws:
<http://laws.justice.gc.ca/eng/acts/>

Make copies of any photos, maps or other documents that you wish the justice to consider. It's best to bring three copies, but one will do if you can't get three.

You should find out what the officer will say in court and prepare questions you may want to ask them.

If you intend to ask the Provincial Court to consider dismissing your ticket for a violation of the [Charter of Rights and Freedoms](#), a judicial justice will not hear your case. Instead, it will be heard by a Provincial Court Judge. Tell the Court Registry as soon as you know that you wish to raise a Charter issue, so your hearing can be scheduled without added delay. You may also wish to read the [Constitutional Question Act](#).

How can I find out what information the officer will bring to court?

You are entitled to know what the officer will say in court.

You do not need to make a Freedom of Information request to get this information. You can send a letter to the officer asking for a copy of all the information they have about the incident that resulted in the ticket, and the witnesses they intend to present in court (“the witnesses they intend to call”). Do this right after you send in your *Notice of Dispute*.

The ticket will show the officer’s name, number, organization and location. Send your request to the officer, not to the Violation Ticket Center or the court.

Although not a complete list, some of the information that you are entitled to receive includes:

- A copy of the officer’s notes and a typed version if you can’t read the notes or they use abbreviations you don’t understand
- Witness statements or a summary of the witness’ statement
- A summary of what the officer states you said
- A copy of any video or audio evidence relating to the incident that resulted in the ticket

Date and keep a copy of the letter you send and if there is no response send another letter. If you don’t get the information from the officer bring those letters with you to court to show the justice at the beginning of the hearing.

What should I do when I come to court for the hearing?

Come to court at least 30 minutes early. Allow plenty of time to travel to court and find parking. The officer will often be there early and may offer to talk to you. If you did not

ask for information from the officer before the hearing, the officer can tell you the information they have about the incident and the witnesses they intend to call.

Many other hearings will be scheduled at the same time as your hearing. Be prepared to wait, sometimes for up to two to three hours. Although this is inconvenient, you can learn about procedure by watching other hearings. Unfortunately, the Provincial Court can't provide more specific times for hearings because it can't predict how many of the matters set for hearing will proceed.

- Dress comfortably and respectfully - no short shorts, no tank tops, bare midriffs, or bare feet, no hats (except for religious headwear) and no clothing with disrespectful slogans or pictures.
- Do not bring food or drinks into the court room, and do not chew gum in the court room.
- Try to get a babysitter - if not, bring someone else to sit with your children during your hearing. If you do bring your children and have no one to help you with them, bring activities to keep them occupied during your hearing so that you won't be distracted by them.
- Turn your cell phone off for the entire time that you are in the courtroom. If you need your phone during the hearing, ask permission to use it.
- Take paper and a pen so you can take notes during the hearing. You may not use an electronic device to record, receive or transmit in the courtroom.

What if the officer doesn't attend court for the hearing?

The officer might send someone to ask to put the hearing off ("ask for an adjournment"). If so, they'll explain why the officer couldn't attend and why the case should be put off. You'll have a chance to tell the justice why it shouldn't be put off. You can explain any inconvenience or expense that putting it off might cause you and give any other reasons you have for opposing an adjournment. The justice will decide whether to adjourn your case to another day.

If the officer doesn't attend and a request to adjourn your hearing is refused or no one attends to make that request, the justice may decide whether or not to dismiss the matter.

What happens at the hearing?

When your name is called come to the front and stand to the left of the table at the front.

The person who is judging the matter is a [judicial justice](#) - the proper way to address them is "Your Worship". You should stand when you are speaking to the justice or when they are speaking to you. Do not interrupt the justice when they are speaking – there are certain things they must explain to you.

The justice will read the charge to you and ask for your plea. If you agree that you committed the offence and want to ask for a fine reduction, you **plead guilty**. If you want to dispute the charge, you **plead not guilty**.

If you plead guilty

The procedure is the same as if you are found guilty, described [below](#).

If you plead not guilty

If you plead not guilty, the hearing will start.

The justice will explain the procedure to you, and you can ask them questions about anything that you do not understand, but they cannot give you legal advice. To get [legal advice](#), talk to a lawyer well before your hearing.

The evidence against you

The officer will present their case first. Usually, the officer will swear an oath to tell the truth or make a solemn affirmation, and then tell the justice about what they saw and why they gave you the ticket. Sometimes a police officer may appear by telephone rather than in person.

The officer may call additional witnesses to describe what happened.

The reason the officer goes first is that you are presumed to be innocent and they must prove their case beyond a reasonable doubt. If they provide no evidence or not enough evidence in the hearing, you will be found not guilty.

Cross Examination

You have the right to “cross-examine” – to ask questions of the officer and any witnesses they call **after** they have finished telling the justice everything they have to say.

You can prepare before the hearing by writing out questions you think you may want to ask. Those questions might be designed to bring out facts that:

- Clarify the evidence
- Support your case
- Test witness’ observations, recollections and truthfulness
- Show the witness may be biased
- Show that the witness previously said something significantly different from their testimony in court. (Ask the justice if you may show the witness something they wrote. If given permission, read out the portion that contradicts their testimony and ask the witness if they wrote it.)
- Put your version of the facts to them. (“There were two cars ahead of me, weren’t there?” or “I stopped at the stop sign, didn’t I?”)

During the witness’ testimony, take notes of points you might want to question them about.

Tips for effective cross-examination

- Be brief
- Short questions, plain words
- Only one question at a time
- Don't argue with the witness. Remember you may only ask questions while cross-examining – you tell your side when you testify

- Don't ask the witness to repeat testimony they gave earlier
- Don't comment on the witness' answers. You can do that when you sum up at the end of the hearing

A “mini-hearing” about anything you said to the officer

The officer may wish to tell the justice something they state you said to them. Because a police or enforcement officer is a person in authority, they must prove beyond a reasonable doubt that when you spoke to them, you spoke voluntarily.

This means the officer must convince the justice that they did nothing by word, act or gesture that made you think things would go better for you if you spoke to the officer or things could go worse if you didn't speak to them.

If you agree that you spoke voluntarily to the officer no mini-hearing is necessary, and the officer will tell the justice what they believe you said.

If you do not believe you spoke voluntarily or wish the officer to attempt to prove it, the justice will conduct a mini-hearing to determine if the officer can prove beyond a reasonable doubt that you spoke voluntarily. The legal term for this mini-hearing is a Latin term: “*voir dire*”. You are entitled to be a witness in the mini-hearing and tell the justice about what you saw and heard the officer say and do and how that made you feel.

If voluntariness is proven, what the officer states you said will be part of the evidence for the justice to consider in the hearing on your ticket.

If voluntariness is not proven, the justice will ignore all the testimony in the mini-hearing, including everything the police officer states that you said. The evidence in the mini-hearing will not become evidence in the trial.

Your evidence

When the officer's case is finished you must decide whether you wish to testify yourself and/or present witnesses.

You do not have to present (“call”) witnesses or be a witness yourself because you are presumed to be innocent. If you do testify or call witnesses, the officer can question (cross-examine) you and your witnesses and try to undermine your case the same way that you were able to question the officer and their witnesses.

However, being a witness yourself or calling other people as witnesses is the only way the justice can consider your side of the story. You must decide for yourself whether to testify and/or present witnesses.

Witnesses must come to court. A justice will not usually consider letters or written statements as evidence in the hearing. A subpoena is a court order that requires a person to attend court. You can obtain a subpoena at the Court Registry to compel your witnesses to come to court and provide them with a document to show their employer.

If you want the justice to consider photos, please print them to give to the court. Three copies are ideal, but one copy will do. You should show the photos to the officer when you question them during their testimony. Ask them questions to identify what the photos show.

Summing up

After all the witnesses have been questioned you have the right to summarize the case and point out to the justice the weaknesses in the officer’s case. The officer may do this as well about the strength of their case or the weaknesses in your case.

The decision

The justice must decide what facts have been proven by the evidence presented in the hearing and apply the law to those facts.

Usually, the justice will decide your case immediately after you have summarized the case. If the officer has proven beyond a reasonable doubt that you committed the offence, you will be found guilty. If not, you will be found not guilty.

Penalties

If you are found not guilty that is the end of the matter and no fine or penalty points will be imposed.

If you are found guilty, the justice will then decide on the appropriate penalty. It's important to know that:

- You may ask for a lower fine at this point. For some offences, a justice can impose a fine lower than the one shown on your ticket. You should explain why the circumstances of the offence and your circumstances justify a lower fine.
- There are some fines that a justice cannot reduce because they have mandatory minimum fines set by law.
- However, a justice may give you time to pay if you explain why you need it. If you do not ask for time to pay, your fine must be paid immediately.
- **A justice cannot reduce any penalty points.** Points are set by regulations.
- It is only at this time that the officer can tell the justice about your driving or other record relevant to your offence, if you have one. (Your record can't be mentioned during the hearing, but it can be used to support a higher penalty after a finding of guilt.)
- In some cases, the justice may also decide that a prohibition from driving should be imposed. This may happen if you have a significant driving record and/or the facts of the case show that you made very dangerous driving decisions. If losing your driver's licence would affect your employment you might want to ask the justice to give you time to consult or hire a lawyer to speak for you on this issue.

Throughout your court appearance, don't be afraid to ask the justice to explain anything you don't understand.

Definitions

These are simple explanations of words as they are used in this guide.

Affirmation - a solemn promise to tell the truth without reference to religious belief. It has the same legal significance as a sworn oath

Cross examine - to question a witness after they testify in direct examination

Evidence - witnesses' testimony and paper documents, photographs, etc. that are admitted as evidence by the justice or judge and marked as exhibits

Hearing - also sometimes called a trial - a proceeding in court where evidence is presented to a justice or a judge, who makes a decision based on the facts proven by the evidence and the law that applies

Oath - a solemn promise to tell the truth, sworn on a holy book

Testify - to tell the judge the facts after swearing or affirming to tell the truth

Testimony - oral (spoken) evidence given under oath or affirmation

Voir Dire – a mini-hearing held to decide a legal issue, for example, whether something a person said to an officer can be admitted as evidence in their hearing

More information

[Provincial Violation Tickets](#)

[Federal Contravention Tickets](#)

[Municipal Ticket Informations](#)

[Court Services Online](#) - look up your ticket by name or number and see the hearing date, time, location, and outcome

[Provincial Violation Ticket Forms](#) - available online or at a Provincial Court registry or Services BC office

Laws

[BC Laws](#)

[BC Regulations](#)

[BC Motor Vehicle Act](#)

[BC Violation Ticket Administration and Fines Regulation](#)