



# Schedule X: Costs Guidelines

Approved by AIBC Council [X Date, 2023]

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## 1.0 Position

- 1.1 Costs in a discipline matter are not ordered as a punitive measure but are agreed to or ordered independently from any sanction imposed.
- 1.2 Costs are not intended to address the conduct that is the subject of the discipline process. Instead, Costs are agreed to as a partial recovery of staff, administrative and other AIBC costs related to the investigation of a matter pursuant to Section 66 of the PGA, negotiation and preparation of an agreement pursuant to Sections 72, 73 or 74 of the PGA, preparation for and conduct of Discipline Hearings pursuant to section 75 of the PGA and publication processes.
- 1.3 While the PGA provides authority for Costs to be ordered against a Respondent, the Bylaws and these Guidelines contemplate the possibility of a Costs award against the AIBC in the event of the unsuccessful prosecution of a Discipline Hearing.

## 2.0 Determination of Costs Before a Citation is Issued

- 2.1 AIBC's recoverable costs include all costs incurred from the time the investigation is authorized pursuant to Section 66(1)(a) of the PGA until the time the matter is resolved by agreement pursuant to Section 72(1), 73(1) or 74 of the PGA.

### Reprimand or Remedial Action by Consent (RRAC)

- 2.2 If a RRAC proposal is promptly accepted by the Respondent who agrees to the undertaking(s) and consent(s) in the agreement, the base amount for routine, readily-resolved matters, including those of less than or ordinary complexity, is set at \$1,000.00; and
- 2.3 Additional costs may be assessed on a case-by-case basis, for matters that are not readily-resolved, including those of greater complexity, with the factors in section 6.3 below duly considered.

### Alternative Complaint Resolution (ACR) and Consent Order (CO)

- 2.4 If an ACR proposal or CO proposal is accepted by the Respondent within a reasonable period of time, the base amount is set at \$1,500.00, plus the actual costs of to fulfill any specific, cost-bearing terms in the proposed ACR or CO (e.g., course fees and attendance); and

- 2.5 Additional costs may be assessed on a case-by case basis, for matters that are not readily-resolved, including those of greater complexity, with the factors in subparagraph 2.6.3 below duly considered.

### **Additional Cost Factors**

- 2.6 In determining whether a proposal made under paragraph 2.1 and 2.2 is promptly accepted, or readily-resolved within a reasonable period of time, as well as the level of complexity and increase to the base cost amounts, AIBC will have regard to the following principles:
- 2.6.1 the number of infractions at issue in the negotiation;
  - 2.6.2 the degree of importance of the section(s) in the PGA, the Bylaw(s), or the AIBC Code of Ethics and Professional Conduct that were infringed (i.e., the seriousness of the violation);
  - 2.6.3 the role of the Respondent or the AIBC in conserving or increasing the costs, including admissions of fact and the timing of admissions, inordinate delays and unreasonable negotiating positions;
  - 2.6.4 the costs imposed in other reasonably similar circumstances; and
  - 2.6.5 any other reasonable considerations relevant, including financial circumstances of the Respondent and total effect of any sanctions imposed.

### **3.0 Determination of Costs After a Citation is Issued**

- 3.1 AIBC's recoverable costs after a Citation is issued may include all costs incurred from the time the investigation is authorized pursuant to Section 66(1)(a) of the PGA until the time the matter is resolved by agreement pursuant to Sections 72, 73, 74 of the PGA, or conclusion of a Proceeding pursuant to Section 75 of the PGA.
- 3.2 For the purpose of calculating costs with respect to an investigation, recoverable costs are those costs incurred from the time the investigation is authorized pursuant to Section 66(1)(a) of the PGA until the time that a Citation is issued pursuant to Sections 66(1)(d) or 72(3) of the PGA.
- 3.3 For the purpose of calculating costs with respect to a Discipline Hearing, recoverable costs are costs incurred from the time that the Citation is issued pursuant to Sections 66(1)(d) or 72(3) of the PGA until the matter is resolved by agreement pursuant to Sections 72, 73 or 74 of the PGA, or conclusion of a Proceeding pursuant to Section 75 of the PGA.
- 3.4 In determining the costs the Respondent must pay, the Discipline Hearing Panel considers whether AIBC proved all the charges set out in the Citation to the requisite standard, and if so, the seriousness of the charges which were not proven relative to those which were proven.

#### **4.0 Costs in Favour of the Respondent**

- 4.1 A Discipline Hearing Panel may make a Costs award against the AIBC, payable to the Respondent, in the event none of the charges in a Citation are proven.
- 4.2 In assessing Costs under this Section, a Discipline Hearing Panel may consider the reasonable costs incurred by the Respondent in relation to preparation for and defence at the Discipline Hearing.