



### 3-day WARN TEMPLATE

[DATE]

[FIRST MIDDLE LASTNAME  
ADDRESS]

---

#### REVIEW DECISION Immediate Roadside Prohibition ("IRP") No. 21-[#####]

##### Introduction

On [DATE], a peace officer served you with a Notice of Driving Prohibition (the "Notice"). You applied to the Superintendent of Motor Vehicles for a review of your driving prohibition and I am delegated the authority to conduct this review.

Section 215.5(1) of the *Motor Vehicle Act* (the "Act") requires me to confirm your prohibition, along with the corresponding monetary penalty and vehicle impoundment, if I am satisfied that:

- you were a driver within the meaning of section 215.41(1);
- the ASD registered a "WARN" as a result of your blood alcohol concentration ("BAC") being not less than 50 milligrams of alcohol in 100 millilitres of blood ("50 mg%");
- you were advised of your right to request a second analysis;
- if requested, it was provided and performed with a different approved screening device ("ASD");
- the Notice was served on the basis of the lower analysis result; and,
- the result of the analysis on the basis of which the Notice was served was reliable.

Section 215.5(4) of the Act requires me to revoke your prohibition, cancel the monetary penalty, and revoke any corresponding vehicle impoundment if I am not satisfied of any of the above.

In reaching my decision on this review, I must consider all relevant information provided to me.

##### Preliminary Matters

You applied on the ground that "XX"; however, that ground is not applicable to your situation because \_\_\_\_\_.

Records at this office confirm that full disclosure of the documents before me was provided to [you/your lawyer], \_\_\_\_\_. I have proceeded with this review based on that confirmation.

*[or]*

At the beginning of the hearing [you/your lawyer] confirmed that [you/he/she] had received all of the disclosure documents before me. I have proceeded with the review based on that confirmation.

### **Issues**

The following are the issues in this review:

- Were you a driver within the meaning of section 215.41(1) of the Act?
- Did the ASD register a "WARN", and was it as a result of your BAC exceeding 50 mg%?
- Were you advised of your right to a second analysis?
- Was the second analysis provided by the officer and performed with a different ASD?
- Was the Notice served on the basis of the lower analysis result?
- Was the ASD reliable?

### **Facts, Evidence and Analysis**

Were you a driver within the meaning of section 215.41(1) of the Act?

*<always applicable>*

I am satisfied that you were [not] a driver within the meaning of section 215.41 of the Act.

Did the ASD register a "WARN"?

*<always applicable>*

I am satisfied that the ASD [did not] register[ed] a "WARN".

Were you advised of your right to a second analysis?

*<always applicable>*

I am satisfied that you were [not] advised of your right to a second analysis.

Was the second analysis provided by the officer?

*<may not be applicable to the case – if it isn't applicable state why>*

I am satisfied that the second analysis was [not] provided by the officer.

Was the second analysis performed on a different ASD?

*<may not be applicable to the case – if it isn't applicable state why>*

I am satisfied that the second analysis was [not] performed on a different ASD.

Was the Notice served on the basis of the lower analysis result?

*<always applicable>*

I am satisfied that the Notice was [not] served on the basis of the lower analysis result.

Was the ASD reliable?

*<always applicable to the case – evidence must be from the report, narrative, and/or calibrator>*

I am satisfied that the ASD was [not] reliable.

Was your BAC less than 50 mg% even though the ASD registered a "WARN"?

*<applicable if arguing drinking pattern>*

I am satisfied that your BAC was [not] less than 50 mg%.

**Decision**

**[CONFIRM]**

As a result of my findings, I confirm your 3-day driving prohibition, monetary penalty, [and vehicle impoundment]. Your prohibition took effect on [date of certificate of service].

[If the vehicle was impounded and remains impounded, the vehicle will remain in the impound lot for the remainder of the impoundment period. The registered owner is responsible for towing and storage charges that accumulate during the storage, including the day the vehicle is eligible for release and any other additional charges.]

**[REVOKE]**

As a result of my findings, I revoke your driving prohibition, monetary penalty, and vehicle impoundment, as required by s. 215.5(4) of the Act.

You may resume driving after you have obtained a driver's licence from the Insurance Corporation of British Columbia. If you hold an Enhanced Driver's Licence, you must make an appointment to reapply for that licence.

Please note that this decision does not change any other prohibitions from driving or licensing requirements.

*[If revoked and owner is driver – and vehicle is still impounded]* If you have not already done so, you may go directly to the location where your vehicle is impounded for the immediate release of your vehicle. The Superintendent of Motor Vehicles will pay towing and storage costs up to and including the date the vehicle was eligible for release. You are responsible for any storage costs beyond that date. You should know that if the vehicle is not reclaimed, the impound lot may apply to the Superintendent of Motor Vehicles to dispose of the vehicle.

*[If revoked and owner is not driver- and vehicle is still impounded]* Please note that the corresponding vehicle impoundment is also revoked. The owner of the vehicle will be notified by separate letter that I am releasing the vehicle.

*[If revoked and owner is driver, previously released vehicle]* Records at this office indicate that the vehicle associated with this IRP has already been released. Since your IRP review is successful and the prohibition is revoked, you are eligible to have the towing and storage costs reimbursed by the Superintendent up to the amounts set out in the *Lien on Impounded Motor Vehicle Regulation* under the *Motor Vehicle Act*. Information concerning this Regulation can be found online at: [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/952568628](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/952568628)

Upon receipt of your proof of payment, the Superintendent of Motor Vehicles will pay the towing and storage costs up to and including (you must include the date). ***Original receipts and invoices with proof of payment must be submitted for reimbursement.*** Examples of proof of payment include a towing and storage invoice created by the impound lot noting payment and a zero balance owing; invoice and cancelled cheque or credit card transaction slip; invoice and copies of identifiable payments from bank or credit card statements. You must also enclose a copy of this letter to ensure the correct charges are refunded to you.

[Name]

Adjudicator



## 7- and 30-day WARN TEMPLATE

[DATE]

[FIRST MIDDLE LASTNAME  
ADDRESS]

---

### REVIEW DECISION Immediate Roadside Prohibition ("IRP") No. 21-[#####]

#### Introduction

On [DATE], a peace officer served you with a Notice of Driving Prohibition (the "Notice"). You applied to the Superintendent of Motor Vehicles for a review of your driving prohibition and I am delegated the authority to conduct this review.

Section 215.5(1) of the *Motor Vehicle Act* (the "Act") requires me to confirm your prohibition, along with the corresponding monetary penalty and vehicle impoundment, if I am satisfied that:

- you were a driver within the meaning of section 215.41(1);
- you were advised of your right to request a second analysis;
- if requested, it was provided and performed with a different approved screening device ("ASD");
- the Notice was served on the basis of the lower analysis result;
- the ASD registered a "WARN" as a result of your blood alcohol concentration ("BAC") being not less than 50 milligrams of alcohol in 100 millilitres of blood ("50 mg%"); and,
- the result of the analysis on the basis of which the Notice was served was reliable.

Section 215.5(4) of the Act requires me to revoke your prohibition, cancel the monetary penalty, and revoke any corresponding vehicle impoundment if I am not satisfied of any of the above.

Section 215.5(2) of the Act states that if I determine that you were prohibited from driving for a longer time period than the Act requires, I must substitute the correct prohibition, vary the monetary penalty for which you are liable under section 215.44(1), and vary or revoke any corresponding vehicle impoundment.

In reaching my decision on this review, I must consider all relevant information provided to me.

#### Preliminary Matters

You applied on the ground that "XX"; however, that ground is not applicable to your situation because \_\_\_\_\_.

Records at this office confirm that full disclosure of the documents before me was provided to [you/your lawyer], \_\_\_\_\_. I have proceeded with this review based on that confirmation.

[or]

At the beginning of the hearing [you/your lawyer] confirmed that [you/he/she] had received all of the disclosure documents before me. I have proceeded with the review based on that confirmation.

### **Issues**

The following are the issues in this review:

- Were you a driver within the meaning of section 215.41(1) of the Act?
- Were you advised of your right to a second analysis?
- Was the second analysis provided by the officer and performed with a different ASD?
- Was the Notice served on the basis of the lower analysis result?
- Was the ASD reliable?
- Did the ASD register a "WARN", and was it as a result of your BAC exceeding 50 mg%?
- Should your 7-day or 30-day prohibition be reduced because you did not have the required number of previous IRP's?

### **Facts, Evidence and Analysis**

Were you a driver within the meaning of section 215.41(1) of the Act?

*<always applicable>*

I am satisfied that you were [not] a driver within the meaning of section 215.41 of the Act.

Were you advised of your right to a second analysis?

*<always applicable>*

I am satisfied that you were [not] advised of your right to a second analysis.

Was the second analysis provided by the officer?

*<may not be applicable to the case – if it isn't applicable state why>*

I am satisfied that the second analysis was [not] provided by the officer.

Was the second analysis performed on a different ASD?

*<may not be applicable to the case – if it isn't applicable state why>*

I am satisfied that the second analysis was [not] performed on a different ASD.

Was the Notice served on the basis of the lower analysis result?

*<always applicable>*

I am [not] satisfied that the Notice was served on the basis of the lower analysis result.

Was the ASD reliable?

*<always applicable to the case – evidence must be from the report, narrative, and/or calibrator>*

I am satisfied that the ASD was [not] reliable.

Did the ASD register a "WARN"?

*<always applicable>*

I am satisfied that the ASD [did not] register[ed] a "WARN".

Was your BAC less than 50 mg% even though the ASD registered a "WARN"?

*<applicable if arguing drinking pattern>*

I am [not] satisfied that your BAC was less than 50 mg%.

Should your 7-day or 30-day prohibition be reduced because you did not have the required number of previous IRP's?

*<always applicable>*

I am [not] satisfied that your 7-day or 30-day prohibition should be reduced.

## **Decision**

**[CONFIRM]**



As a result of my findings, I confirm your driving prohibition, monetary penalty, and vehicle impoundment. You [were/are] prohibited from driving for [7/30] days. Your prohibition took effect on [date of certificate of service].

If your vehicle was impounded, the vehicle will remain in the impound lot for the remainder of the impoundment period. The registered owner is responsible for towing and storage charges that accumulate during the storage, including the day the vehicle is eligible for release and any other additional charges.

**[VARY]**

As a result of my findings, I substitute [a 3-day driving prohibition/a 7-day driving prohibition] and vary accordingly the monetary penalty. Your prohibition took effect on [date of certificate of service]. You may resume driving when your prohibition ends, provided you have obtained a driver's licence from the Insurance Corporation of British Columbia.

[AND LANGUAGE RE: VEHICLE IMPOUNDMENT FROM BELOW]

**[REVOKE]**

As a result of my findings, I revoke your driving prohibition, monetary penalty, and vehicle impoundment, as required by s. 215.5(4) of the Act.

Please note that this decision does not change any other prohibitions from driving or licensing requirements.

*[If revoked and owner is driver]* If you have not already done so, you may go directly to the location where your vehicle is impounded for the immediate release of your vehicle. The Superintendent of Motor Vehicles will pay towing and storage costs up to and including the date [of this letter/ the date the vehicle was eligible for release]. You are responsible for any storage costs beyond that date. You should know that if the vehicle is not reclaimed, the impound lot may apply to the Superintendent of Motor Vehicles to dispose of the vehicle.

*[If revoked and owner is not driver]* Please note that the corresponding vehicle impoundment is also revoked. The owner of the vehicle will be notified by separate letter that I am releasing the vehicle.

*[If revoked and owner is driver, previously released vehicle]* Records at this office indicate that the vehicle associated with this IRP has already been released. Since your IRP review is successful and the prohibition is revoked, you are eligible to have the towing and storage costs reimbursed by the Superintendent up to the amounts set out in the *Lien on Impounded Motor*

*Vehicle Regulation* under the *Motor Vehicle Act*. Information concerning this Regulation can be found online at: [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/952568628](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/952568628)

Upon receipt of your proof of payment, the Superintendent of Motor Vehicles will pay the towing and storage costs up to and including (you must include the date). ***Original receipts and invoices with proof of payment must be submitted for reimbursement.*** Examples of proof of payment include a towing and storage invoice created by the impound lot noting payment and a zero balance owing; invoice and cancelled cheque or credit card transaction slip; invoice and copies of identifiable payments from bank or credit card statements. You must also enclose a copy of this letter to ensure the correct charges are refunded to you.

[Name]  
Adjudicator



## ASD FAIL TEMPLATE

Date, 2012

Addresss  
123 Anywhere RD  
Anyplace, BC V0A 0A1

---

### REVIEW DECISION Immediate Roadside Prohibition ("IRP") No. 21-

#### Introduction

On Date, 2012, a peace officer served you with a Notice of Driving Prohibition (the "Notice"). You applied to the Superintendent of Motor Vehicles for a review of your driving prohibition and I am delegated the authority to conduct this review.

Section 215.5(1) of the *Motor Vehicle Act* (the "Act") requires me to confirm your prohibition, along with the corresponding monetary penalty and vehicle impoundment, if I am satisfied that:

- you were a driver within the meaning of section 215.41(1);
- the approved screening device ("ASD") registered a "FAIL" as a result of your blood alcohol concentration ("BAC") being not less than 80 milligrams of alcohol in 100 millilitres of blood ("80 mg%");
- you were advised of your right to request a second analysis;
- if requested, it was provided and performed with a different ASD;
- the Notice was served on the basis of the lower analysis result; and,
- the result of the analysis on the basis of which the Notice was served was reliable.

Section 215.5(4) of the Act requires me to revoke your prohibition, cancel the monetary penalty, and revoke any corresponding vehicle impoundment if I am not satisfied of any of the above.

In reaching my decision on this review, I must consider all relevant information provided to me.

#### Preliminary Matters

You applied on the ground that "XX"; however, that ground is not applicable to your situation because \_\_\_\_\_.

Records at this office confirm that full disclosure of the documents before me was provided to [you/your lawyer], \_\_\_\_\_. I have proceeded with this review based on that confirmation.

[or]

At the beginning of the hearing [you/your lawyer] confirmed that [your/your lawyer] had received all of the disclosure documents before me. I have proceeded with the review based on that confirmation.

### Issues

The following are the issues in this review:

- Were you a driver within the meaning of section 215.41(1) of the Act?
- Did the ASD register a "FAIL", and was it as a result of your BAC exceeding 80 mg%?
- Were you advised of your right to a second analysis?
- Was the second analysis provided by the officer and performed using a different ASD?
- Was the Notice served on the basis of the lower analysis result?
- Was the ASD reliable?

### Facts, Evidence and Analysis

#### Were you a driver within the meaning of section 215.41(1) of the Act?

In the Report to Superintendent (the "Report"), the investigating officer reported that you were driving or in care or control of a motor vehicle at 00:20 hours on July 7, 2012.

There is no evidence before me to the contrary. I am satisfied that you were a driver within the meaning of section 215.41(1) of the Act.

#### Did the ASD register a "FAIL"?

In the Report, the officer indicated that the ASDs registered a "FAIL" at 00:28 and 00:33 hours, respectively.

There is no evidence before me to the contrary. I am satisfied that the ASDs registered a "FAIL".

#### Were you advised of your right to a second analysis?

<always applicable>

I am satisfied that you were [not] advised of your right to a second breath test analysis.

#### Was the second analysis provided by the officer?

*<may not be applicable to the case – if it isn't applicable state why not>*

I am satisfied that the second analysis was [not] provided by the officer.

Was the second analysis performed on a different ASD?

*<may not be applicable to the case – if it isn't applicable state why>*

I am satisfied that the second analysis was [not] performed on a different ASD.

Was the Notice served on the basis of the lower analysis result?

*<always applicable>*

I am satisfied that the Notice was [not] served on the basis of the lower analysis result.

Was the ASD reliable?

*<always applicable to the case – evidence must be from the report, narrative, and/or calibrator>*

I am satisfied that the ASD was [not] reliable.

Was your BAC less than 80 mg% even though the ASD registered a "FAIL"?

*<applicable if arguing drinking pattern>*

I am satisfied that your BAC was [not] less than 80 mg%.

## **Decision**

### **[CONFIRM]**

As a result of my findings, I confirm your driving prohibition, monetary penalty, and vehicle impoundment, as required by s. 215.5(1) of the Act. You are prohibited from driving for 90 days. Your prohibition took effect on [date of certificate of service].

Please note that as a result of receiving this driving prohibition, you may be required to participate in the Responsible Driver Program and the Ignition Interlock Program. This driving prohibition may be considered by the Superintendent of Motor Vehicles in a review of your driving record. A further prohibition may be imposed.

**[REVOKE]**

As a result of my findings, I revoke your driving prohibition, monetary penalty, and vehicle impoundment, as required by s. 215.5(4) of the Act.

You may resume driving after you have obtained a driver's licence from the Insurance Corporation of British Columbia. If you hold an Enhanced Driver's Licence, you must make an appointment to reapply for that licence.

Please note that this decision does not change any other prohibitions from driving or licensing requirements.

*[If revoked and owner is driver]* If you have not already done so, you may go directly to the location where your vehicle is impounded for the immediate release of your vehicle. The Superintendent of Motor Vehicles will pay towing and storage costs up to and including [the date of this letter/ the date your vehicle was eligible for release]. You are responsible for any storage costs beyond that date. You should know that if the vehicle is not reclaimed, the impound lot may apply to the Superintendent of Motor Vehicles to dispose of the vehicle.

*[If revoked and owner is not driver]* Please note that the corresponding vehicle impoundment is also revoked. The owner of the vehicle will be notified by separate letter that I am releasing the vehicle.

*[If revoked and owner is driver, previously released vehicle]* Records at this office indicate that the vehicle associated with this IRP has already been released. Since your IRP review is successful and the prohibition is revoked, you are eligible to have the towing and storage costs reimbursed by the Superintendent up to the amounts set out in the *Lien on Impounded Motor Vehicle Regulation* under the *Motor Vehicle Act*. Information concerning this Regulation can be found online at: [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/952568628](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/952568628)

Upon receipt of your proof of payment, the Superintendent of Motor Vehicles will pay the towing and storage costs up to and including (you must include the date). ***Original receipts and invoices with proof of payment must be submitted for reimbursement.*** Examples of proof of payment include a towing and storage invoice created by the impound lot noting payment and a zero balance owing; invoice and cancelled cheque or credit card transaction slip; invoice and copies of identifiable payments from bank or credit card statements. You must also enclose a copy of this letter to ensure the correct charges are refunded to you.

[Name]  
Adjudicator



## REFUSAL TEMPLATE

[DATE]

[FIRST MIDDLE LASTNAME  
ADDRESS]

### REVIEW DECISION    Immediate Roadside Prohibition ("IRP") No. 21-[#####]

#### Introduction

On [DATE], a peace officer served you with a Notice of Driving Prohibition (the "Notice"). You applied to the Superintendent of Motor Vehicles for a review of your driving prohibition and I am delegated the authority to conduct this review.

Section 215.5(1) of the *Motor Vehicle Act* (the "Act") requires me to confirm your prohibition, along with the corresponding monetary penalty and vehicle impoundment, if I am satisfied that:

- you were a driver within the meaning of section 215.41(1);
- you failed or refused to comply with a demand made under the *Criminal Code* to provide a sample of breath for analysis by means of an approved screening device ("ASD"); and
- you did not have a reasonable excuse for failing or refusing to comply with a demand.

Section 215.5(4) of the Act requires me to revoke your prohibition, cancel the monetary penalty, and revoke any corresponding vehicle impoundment if I am not satisfied of any of the above.

In reaching my decision on this review, I must consider all relevant information provided to me.

#### Preliminary Matters

You applied on the ground that "XX"; however, that ground is not applicable to your situation because \_\_\_\_\_.

Records at this office confirm that full disclosure of the documents before me was provided to [you/your lawyer], \_\_\_\_\_. I have proceeded with this review based on that confirmation.

[or]

At the beginning of the hearing [you/your lawyer] confirmed that [your/your lawyer] had received all of the disclosure documents before me. I have proceeded with the review based on that confirmation.



### Issues

The following are the issues in this review:

- Were you a driver within the meaning of section 215.41(1) of the Act?
- Did you fail or refuse to comply with an ASD demand?
- If you failed or refused to comply with the demand, did you have a reasonable excuse?

### Facts, Evidence and Analysis

Were you a driver within the meaning of section 215.41(1) of the Act?

I am satisfied that you were [not] a driver within the meaning of section 215.41 of the Act.

Did you fail or refuse to comply with an ASD demand?

There are two matters for me to determine in this issue. I must determine whether the peace officer made a valid demand, and whether you failed or refused to comply with that demand.

I am satisfied that a the peace officer [made/did not make] a valid ASD demand.

I am satisfied that you [did not] fail[ed] or refus[ed] to comply with the ASD demand.

Did you have a reasonable excuse?

I am satisfied that you [did not have] had a reasonable excuse to fail or refuse to comply with the ASD demand.

### Decision

#### [CONFIRM]

As a result of my findings, I confirm your driving prohibition, monetary penalty, and vehicle impoundment, as required by s. 215.5(1) of the Act. You are prohibited from driving for 90 days. Your prohibition took effect on [date of certificate of service].

Please note that as a result of receiving this driving prohibition, you may be required to participate in the Responsible Driver Program and the Ignition Interlock Program. This driving prohibition may be considered by the Superintendent of Motor Vehicles in a review of your driving record. A further prohibition may be imposed.

#### [REVOKE]



As a result of my findings, I revoke your driving prohibition, monetary penalty, and vehicle impoundment, as required by s. 215.5(4) of the Act.

You may resume driving after you have obtained a driver's licence from the Insurance Corporation of British Columbia. If you hold an Enhanced Driver's Licence, you must make an appointment to reapply for that licence.

Please note that this decision does not change any other prohibitions from driving or licensing requirements.

*[If revoked and owner is driver]* If you have not already done so, you may go directly to the location where your vehicle is impounded for the immediate release of your vehicle. The Superintendent of Motor Vehicles will pay towing and storage costs up to and including [the date of this letter/ the date your vehicle was eligible for release]. You are responsible for any storage costs beyond that date. You should know that if the vehicle is not reclaimed, the impound lot may apply to the Superintendent of Motor Vehicles to dispose of the vehicle.

*[If revoked and owner is not driver]* Please note that the corresponding vehicle impoundment is also revoked. The owner of the vehicle will be notified by separate letter that I am releasing the vehicle.

*[If revoked and owner is driver, previously released vehicle]* Records at this office indicate that the vehicle associated with this IRP has already been released. Since your IRP review is successful and the prohibition is revoked, you are eligible to have the towing and storage costs reimbursed by the Superintendent up to the amounts set out in the *Lien on Impounded Motor Vehicle Regulation* under the *Motor Vehicle Act*. Information concerning this Regulation can be found online at: [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/952568628](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/952568628)

Upon receipt of your proof of payment, the Superintendent of Motor Vehicles will pay the towing and storage costs up to and including (you must include the date). ***Original receipts and invoices with proof of payment must be submitted for reimbursement.*** Examples of proof of payment include a towing and storage invoice created by the impound lot noting payment and a zero balance owing; invoice and cancelled cheque or credit card transaction slip; invoice and copies of identifiable payments from bank or credit card statements. You must also enclose a copy of this letter to ensure the correct charges are refunded to you.

[NAME]  
Adjudicator