

Vehicle Seizure Appeal Hearing

NOTE: The purchase of an application does not guarantee the return of your vehicle.

Before purchasing an Application for Hearing, please read the following information, as the application and Alberta registry agent fees are NON-REFUNDABLE. The fee is \$125 for a non-oral hearing and \$250 for an oral hearing before the Alberta Transportation Safety Board (the "Board"). Alberta registry agents will charge a service fee for the application and this cost may vary from agent to agent.

The legislation governing the Board under Section 45(2) of the Traffic Safety Act places a 30-day limitation period on appeals to the Board.

APPLICATION PROCESS

The owner at the time the vehicle was seized may appeal the seizure to the Board. Hearings, under section 40 of the Traffic Safety Act, can be either on paper (non-oral) or oral before the Board. An Application for Hearing can be purchased at any Registry Agent office.

If the applicant is not the owner of the seized vehicle, the owner must complete the back of the application.

The original application must be sent to the Board. Faxes will not be accepted. A copy of the Seizure Notice, or any form provided by the police service which seized the vehicle, must also accompany the application. The applicant **must** indicate what steps were taken to ensure the vehicle was given to a driver who held a valid licence.

Hardship will not be considered by the Board when hearing a vehicle seizure appeal. Failure to accept or receive a Notice of Suspension will not be an acceptable defence (e.g., refusal to accept the notice, or failure to notify Alberta Registries of an address change, etc.).

REVIEW PROCESS

The Board will attempt to conduct non-oral hearings within three (3) business days, and an oral hearing within seven (7) business days of receipt of the application. The Board will endeavour to notify the applicant by fax, e-mail or regular mail within five (5) business days of its decision regarding early release of the vehicle.

Hearings may be held in Calgary, Edmonton, Grande Prairie, Lethbridge, Medicine Hat, Peace River, Fort McMurray or Red Deer.

GROUNDINGS FOR APPEAL - Suspended Driver Related Offences

Pursuant to Alberta Regulation 251/2006, the grounds for appeal are:

- 11(1)(a) The driver did not know he/she was suspended.
 The driver could not have reasonably known he/she was suspended.

11(1)(b) The owner was not driving the vehicle.
The owner did not know that the driver was suspended.
The owner could not reasonably have known that the driver was suspended.

11(1)(c) The owner was not driving the vehicle.
The vehicle was being driven without the owner's consent.

11(1)(d) The driver was not a suspended driver.

11(2) For the purpose of an appeal based on grounds set out in subsection 11(1)(b):

11(2)(a) In the case of a commercial vehicle, the owner must produce a driver's abstract for the driver that is dated not more than one year before the date of the vehicle seizure.

11(2)(b) In any other case, the owner must establish that before allowing the person to take his/her vehicle the person showed the owner an operator's licence that was issued in the name of the person, was the appropriate class of licence for the vehicle, and that the operator's licence had not expired as of the date on which the driving occurred.

GROUNDINGS FOR APPEAL - Prostitution Related Offences

Pursuant to Alberta Regulation 251/2006, the grounds for appeal are:

11(3)(a) The vehicle owner could not reasonably have known that the vehicle was being operated in the course of committing an offence referred to under section 173.1(1) of the *Traffic Safety Act*.

11(3)(b) At the time the vehicle was seized, the driver of the vehicle was in possession of the vehicle with out the express or implied consent of the vehicle owner.

A copy of the Seizure Notice, Violation Ticket and/or the Information On Behalf Of Her Majesty The Queen relating to the charge(s) must accompany the application.

For further information, contact the Alberta Transportation Safety Board:

Main Floor, Twin Atria Building
4999 - 98 Avenue
Edmonton, AB T6B 2X3 (780) 427-7178

OR

803 Manning Road NE
Calgary, AB T2E 7M8 (403) 297-3466

To locate a registry agent near you, call:

Edmonton: (780) 427-7013

Outside Edmonton, call: 310-0000 and ask for 427-7013 or, look under "Licence and Registry Services" in the Yellow Pages™ of your telephone directory.

You can also log-on at: <http://www.servicealberta.gov.ab.ca/Registries.cfm>