

# BRIEFING NOTE

## BC Human Rights Tribunal Reaffirms Power of Reasonable Settlement Offers

The BC Human Rights Tribunal's (the "**Tribunal**") decision in *Bucci v The University of British Columbia and others*, 2026 BCHRT 19, provides a useful example of the value of making a reasonable settlement offer early in a human rights complaint. Not only can it provide parties an "off-ramp", but it can be used to ground an application to dismiss a complaint, should the offer be refused.

### Factual background

Mr. Bucci alleged that the University of British Columbia ("**UBC**"), along with his PhD supervisor, and several others (the "**Respondents**"), discriminated against him in employment and in the provision of a service based on mental disability when his supervisor ended her supervisory relationship with him.

Mr. Bucci was informed that he needed to find a new supervisor to continue in his PhD program and was given the option of pausing his PhD and taking a leave of absence to provide time to find one. He was also offered a role as a graduate teaching assistant to mitigate any lost income. He declined these offers and found a new supervisor within the department without pausing his PhD or losing any income.

He filed a complaint with the Tribunal seeking various remedies, including a declaration that the conduct was discriminatory, compensation for injury to dignity, feelings and self-respect, compensation for lost wages, and an official extension to his graduation timeline.

### The Settlement Offer

In response to the complaint, the Respondents made a "*with prejudice*" offer to settle the complaint, which Mr. Bucci rejected. The terms included: an extension of time for Mr. Bucci to complete his PhD and a payment of \$20,000. It remained open for acceptance until two weeks after the Tribunal's decision on an application to dismiss.

### Application to Dismiss based on a reasonable settlement offer

Section 27(1)(d)(ii) of the *Human Rights Code*, R.S.B.C. 1996, c.210 (the "**Code**") gives the Tribunal discretion to dismiss all or part of a complaint, if proceeding with the complaint would not further the purposes of the *Code*. Uniquely, this may include where the Tribunal determines a reasonable settlement offer has been made, provided that offer is made "with prejudice", and remains open for the acceptance regardless

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of the outcome of the application to dismiss. The Respondents' offer met both pre-requisites.

In order to determine whether proceeding with the complaint will further the purpose of the *Code*, The Tribunal will first consider whether the offer is reasonable. If so, it will assess whether there are considerations that weigh in favour of proceeding with the complaint regardless, considering the purposes of the *Code*.

In measuring whether the offer is reasonable, the Tribunal assumes the complainant will be successful and considers what the Tribunal would likely order. The settlement offer does not need to mirror what the Tribunal will order, and it is not always necessary to admit liability. However, the offer must fully address the allegations and available remedies, both monetary and non-monetary.

In this instance, the Tribunal found that the offer of \$20,000 was within a reasonable range of awards if the complaint was found to be justified. Similarly, despite not incorporating the exact orders Mr. Bucci sought, the non-monetary aspects of the Respondents settlement offer were also found to be reasonable, as it fully addressed the allegation and available remedies.

In determining whether proceeding with the complaint will further the purposes of the *Code*, the Tribunal will consider broader public policy issues, including the efficiency and responsiveness of the human rights system, and the expense and time involved in processing a complaint to a hearing. In general, it does not further the purposes of the Code to proceed to a hearing where the respondent has made a reasonable settlement offer that has not been accepted.

In this case, the Tribunal found that there were no factors that favored proceeding the with the complaint; noting that it regularly hears cases that concern discrimination on the basis of mental disability in post-secondary institutions and the complaint did not engage public policy issues. It granted the application and dismissed the complaint.

### **Conclusion**

Individuals and corporations who find themselves responding to a human rights complaint should bear in mind the potential benefit of invoking s. 27(1)(d)(ii) and making an early compliant settlement offer to avoid thrown away defence costs.

Running a complaint through to a hearing on the merits is a multi-year affair, and can often come at considerable time and expense, regardless of the outcome. After assessing the relative strengths and weaknesses of the complaint, making a reasonable settlement offer may prove to be the most cost-effective way to mitigate exposure and dispense with the complaint. Of course, the key is an understanding of the Tribunal and accurate prediction of the likely award, in order to determine what is a 'reasonable' offer without over-paying. Our firm has as extensive amount of experience practicing before the Tribunal, and can assist in that regard.

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