

QUICK TIPS

THE REASONS FOR REASONS

This quick reference guide provides some tips for decision-makers on the importance of reasons and how to provide meaningful and understandable reasons.

What is a reason?

“A statement offered in explanation or justification”.¹

Reasons should explain **what** was considered when making the decision and **why** the decision was made. Reasons should demonstrate that the decision-maker understood the issue, considered all relevant information and evidence, and applied the decision-making criteria to the facts to come to a justifiable conclusion.

What do good reasons look like?

Good reasons explain the decision made and demonstrate why it is reasonable. The Supreme Court of Canada states administrative decision-makers have a “responsibility to justify to the affected party, in a manner that is transparent and intelligible, the basis on which it arrived at a particular conclusion”.²

Reason should generally explain:

- **Issue:** The issue decided.
- **Facts, information and evidence considered:** The information and evidence considered by the decision-maker and any findings of fact the decision-maker made.
- **Decision-making criteria:** The legislation, regulation, policy or other rules used to make the decision. The legal authority to make the decision should also be explained.
- **Analysis:** How the decision-making criteria was applied to the facts to make the decision. The decision should explain the reasoning used to make the decision and how the decision-maker considered and assessed the evidence and arguments presented. It should demonstrate a rational connection between the evidence presented and the conclusions reached.
- **Decision:** The decision made should be clearly stated.
- **Appeal and review options:** Information about any review or appeal options.



¹Merriam Webster, “Reason” <<https://www.merriam-webster.com/dictionary/reason>>.

²*Vavilov v. Canada (Minister of Citizenship and Immigration)*, [2019] 4 S.C.R. 653 at para 96.

Why are reasons an integral part of fair decision-making?

- Providing reasons can lead to better decision making, “by ensuring that [the] issues and reasoning are well articulated and, therefore, more carefully thought out.”³
- Providing reasons supports transparent decision making because it requires the decision-maker to explain how and why the decision was made. Reasons can also demonstrate that specific legal requirements and an organization’s policies and practices have been complied with.⁴
- Reasons allow the person or organization impacted by the decision to determine if they wish to seek an appeal or review of the decision.
- Reasons demonstrate that a fair decision-making process was followed and allow those impacted by the decision to understand and accept the decision that was made.

If clear and meaningful reasons are provided, individuals are more likely to accept the decision made, even if they do not agree with it.



When are reasons needed?

Legislation may require reasons. For example, the *Ombudsperson Act*⁵ requires written reasons in certain circumstances. In British Columbia, the *Administrative Tribunals Act*⁶ requires some tribunals to make their final decision in writing and give reasons.

Decision-makers may also be required by the common law duty of fairness to provide reasons.

Generally, when a decision is made that directly impacts a person or organization's rights, privileges or interests it is best practice to provide reasons.

³*Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817 at para 39.

⁴Ombudsman Western Australia, “Giving reasons for decisions” 1 <<http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Giving-reasons-for-decisions.pdf>>.

⁵*Ombudsperson Act*, R.S.B.C. 1996.

⁶*Administrative Tribunals Act*, S.B.C. 2004.

Nature of reasons

Some decisions require formal written reasons. For other decisions, verbal reasons may be sufficient. The nature and length of reasons will depend on the decision being made.

When determining the format of reasons, it is important to consider:

- The nature of the decision and its importance and impact;
- The complexity of the issues and level of detail required;
- Whether the decision is subject to review or appeal; and
- The abilities and level of understanding of the person who is affected.

Consider that while providing reasons verbally can be efficient for the decision-maker, giving written reasons can allow for a greater understanding of the decision. Written reasons also ensure that the decision-maker transparently explains why the decision was made and provides a written record of the decision. When providing written reasons, the reasons should be drafted with the reader in mind and be written in a way that is understandable to them.⁷

In *Baker v Canada*, the Supreme Court of Canada spoke to the importance of reasons and said:

*“...in certain circumstances, the duty of procedural fairness will require the provision of a written explanation for a decision. The strong arguments demonstrating the advantages of written reasons suggest that, in cases... where the decision has important significance for the individual, when there is a statutory right of appeal, or in other circumstances, some form of reasons should be required”.*⁸

⁷Ombudsman Western Australia, “Giving reasons for decisions” 2 < <http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Giving-reasons-for-decisions.pdf>>.

⁸*Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817 at para 43.

Good reasons connect the dots

Adequate reasons provide the information needed to understand the decision.

A common pitfall with decisions is a lack of justification for how a decision-maker reaches their conclusion. This can happen when the decision-maker relies too much on implied reasoning and fails to connect the dots and identify how they got from one step to the next in their chain of analysis. This leaves the reader to fill in the gaps to determine why the decision was made.

One way to avoid this is to ensure decision makers *show their thinking* when communicating decisions by clearly explaining how the information and evidence gathered was considered in the context of the rules that apply.

