



Forest Appeals Commission

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Appealing Decisions Under the *Forest Act*

The *Forest Act* grants appeal rights to the Forest Appeals Commission (the “Commission”), in respect of a determination, order or decision that was the subject of a review under Division 1 of Part 12 of the *Forest Act*.

Reviews under Division 1 of Part 12 can relate to:

- a determination, order, or decision of a timber sales manager:
 - disqualifying a person from being registered as a BC timber sales enterprise,
 - temporarily disqualifying a person from applying under Part 3 of a BC timber sales agreement,
 - suspending any of a person’s rights under a BC timber sales agreement, or
 - cancelling a BC timber sales agreement;
- a determination, order, or decision of a minister, to:
 - increase the allowable cut of a forest licence under section 59,
 - reduce a previous increase of an allowable cut of a forest licence or agreement under section 59.1(9),
 - under section 59.1(1)
 - suspend or cancel an agreement made under section 59.1(1), or
 - reduce a previous increase in allowable cut under a forest licence that was granted with such an agreement,
 - reduce, under section 70(4), the allowable cut of a major licence, community forest agreement, first nations woodland licence or woodlot licence,
 - allow the government to use, or grant the use of, Crown land for a purpose compatible with timber harvesting, despite any agreements under the *Forest Act*,
 - suspend rights under an agreement, other than a timber sales agreement, under section 76(1),
 - suspend rights under a replaceable major licence or woodlot licence, under section 76(2),

- refuse to reinstate, under section 76(6), rights that were suspended under section 76,
- cancel, under section 77(1), rights that were suspended under section 76(1) and 76(2),
- suspend rights in a BC timber sales agreement under section 78.1(1),
- calculate annual rent payable for a woodlot licence under section 112(2), or
- calculate annual rent payable for a community forest agreement under section 112(3); and
- a partition order made by a minister under section 75.02(2) or 75.02(3)(b).

The *Forest Act* also grants appeal rights to the Commission, in respect of:

- determinations, orders, or decisions of the chief forester, in respect of
 - compensation for reductions of allowable annual cuts under tree farm licences, under section 60.6,
 - deletion of land from a tree farm licence under section 68,
 - reducing the allowable annual cut of a major licence, community forest agreement, a first nations woodland licence or woodlot licence under 70(2), and
 - calculations of annual rent payable for a tree farm licence under 112(1);
- determinations under section 105(1), by ministry employees, related to stumpage rates (including the redetermination or variation of stumpage rates);
- orders of the minister imposing on a licence a volume of timber harvested under section 75.95(2).

To start the appeal, you must submit a Notice of Appeal within 30 days. The Commission may extend this deadline in special circumstances. If seeking an extension, you need to explain the reasons for your delay in filing your appeal, and any special circumstances that you think the Commission should consider.

Most people use the [Notice of Appeal](#) form, created by the Commission. You do not have to use it, however. Just make sure that you include the following:

- your name, address, telephone number and email (if applicable);
- the name and daytime address, telephone number and email of your representative (if you have one);

- an address for delivery of official documents, if different from your address;
- identification of the decision being appealed (including the decision-maker, the date, the issue(s) decided, and a copy of the decision letter, if available);
- the date you received or were informed of the decision;
- a description of why the decision is wrong and should be changed;
- a description of what you want the Board to order at the end of the appeal; and
- your signature.

If you do not provide all necessary information, the Commission will contact you to advise you what else you need to provide. A timetable will be established for you to provide the missing information. Failure to do so within the timeframe given may result in your appeal being rejected or dismissed.

You can send your Notice of Appeal by:

- delivering it to or leaving a copy at the Commission's office, located on the fourth floor of 747 Fort Street, Victoria BC, V8W 3E9, from 8:30 am to 4:30 pm Monday to Friday, except on public holidays;
- submitting via facsimile to (250) 356-9923; or
- emailing it to info@bcfac.ca.

Please note, even if you file a Notice of Appeal, the decision appealed remains effective and enforceable unless it is "stayed". The Commission does not have the power to grant stays of decisions under the *Forest Act*. The minister can do so, under section 149(6) of the *Forest Act*.

For more information, please consult sections 146 and 149 of the *Forest Act*, sections 22 and 24 of the [Administrative Tribunals Act](#), and [Rule 5](#) from the Commission's Rules.