



Forest Appeals Commission

Fourth Floor, 747 Fort Street, Victoria BC V8W 3E9

Tel: (250) 387-3464

www.bcfac.ca

Fax: (250) 356-9923

Email: info@bcfac.ca

Appealing a Decision Under the *Range Act*

The *Range Act* allows a person who is the subject of, or whose licence or permit is affected by, certain orders, decisions, or amendments under the *Range Act* a right of appeal to the Forest Appeals Commission (the “Commission”).

These orders, decisions, or amendments are:

- an order of a natural resource office under section 60(1), suspending rights granted under a licence or permit;
- an order of the minister:
 - to delete land from the Crown range referred to in a permit, reduce the animal unit months or quantity of hay specified in a permit because of a land deletion, or both, under section 36(1),
 - to reduce the animal unit months or quantity of hay specified in a permit because the range described in the permit no longer supports such activity, under section 36(2),
 - for a licence or permit holder to refrain from using some or all of a Crown range specified in the licence or permit, under section 49(1),
 - to exempt the holder of a grazing licence or grazing permit from using a required percentage of the animal unit months in the licence or permit, under section 50(1),
 - suspending rights granted under a licence or permit, under section 55 or 60(1),
 - refusing, under section 62(1)(b), to reinstate licence or permit rights suspended under sections 55 or 56, or
 - cancelling licence or permit rights under section 63;
- a decision of the minister, under section 50(4), as to whether to exempt the holder of a licence or permit from using a required percentage of the animal unit months in the licence or permit; and
- amendments to grazing licences or grazing permits by the minister, under sections 47 and 48, for failing to use a required percentage of the animal unit months in the licence or permit.

Someone with appeal rights may also, or instead, request that ministry staff (either the original decision-maker or someone else appointed by the minister) review the order, decision, or amendment with which they disagree. You can appeal either the original order, decision, or amendment to the Commission, or the result of any review you request, but not both.

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 72 of the *Range Act*.

For more information, please consult sections 70 and 72 of the *Range Act*, sections 22 and 24 of the [Administrative Tribunals Act](#), and [Rule 5](#) from the Commission’s Rules.