



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 Decisions under the *Wildfire Act*

The *Wildfire Act* (the “Act”) grants to those who are the subject of certain orders under the Act, and to the Forest Practices Board, the right to appeal those orders to the Forest Appeals Commission (the “Commission”). The orders under the Act that have appeal rights are those:

- requiring a person to abate a fire hazard in relation to certain activities, under section 7(3);
- determining that that a person who
 - carried out fire control,
 - fought a fire on forest or grass land, or
 - obeyed certain orders to provide support for fire control or fire fighting made under section 16,or a person acting on their behalf, caused or contributed to a fire or the spread of a fire, under section 17(3.1);
- for the recovery of fire control costs and related amounts, under section 25;
- determining that a person contravened a provision of the Act or its regulations, under section 26;
- imposing an administrative penalty or recovering costs associated with a fire, under section 27;
- requiring work to remedy a contravention of the Act or regulations, or to repair any damage caused by the contravention, or both, under section 28(1);
- imposing an administrative penalty on a person for not complying with a section 28(1) order, under section 28(3)(d); and
- requiring a person to stop some activity that an official has reasonable grounds to believe is a contravention of the Act or its regulations, under section 34.

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

Appeals must be filed within 30 days. The Commission may extend this timeframe 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.

To start the appeal, you must submit a Notice of Appeal. 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, a decision remains effective while it is appealed unless it is the subject of a "stay". Generally, all appealable orders under the *Act* are automatically stayed on appeal. The minister may issue an order, however, that an appeal order (other than an order

imposing an administrative penalty under sections 27 or 28(3)(d)) is not stayed while appealed to the Commission.

For more information, please consult sections 36, 37, 39, and 40 of the *Wildfire Act*, sections 22 and 24 of the [Administrative Tribunals Act](#), and [Rule 5](#) from the Commission's Rules.