



Forest Appeals Commission

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Adding Third Parties and Interveners to an Appeal

Third Parties

The Forest Appeals Commission (the “Commission”) will recognize certain persons (either individuals or organizations) as parties to an appeal. Parties have full rights to bring applications to the Commission, present evidence in an appeal, and present arguments about how the Commission should decide applications and decide the appeal itself.

The Commission always recognizes the person who appeals (the Appellant) and the person who made the decision being appealed (the Respondent) as parties.

For appeals under the *Forest Act*, only the Appellant and Respondent may be parties. For the other statutes that allow appeals to the Commission (the *Forest and Range Practices Act*, *Private Managed Forest Land Act*, *Range Act*, and *Wildfire Act*) the Commission may recognize other parties as well. These are called “Third Parties”.

Where the Forest Practices Board files an appeal, the Commission will always recognize the person who is, or would be, the subject of the appealed decision as a third party. This is a fairness requirement, as the Commission’s decision at the end of the appeal will affect the person that the appealed decision is about.

For appeals filed under the *Forest and Range Practices Act*, *Range Act*, and *Wildfire Act*, the Commission must add the Forest Practices Board as a third party, if it asks the Commission to do so. The Commission may also designate other third parties in appeals brought under those statutes, or under the *Private Managed Forest Land Act*.

Interveners

The Commission has the ability to recognize interveners in appeals brought under the *Forest and Range Practices Act*, *Private Managed Forest Land Act*, *Range Act*, or *Wildfire Act*. Generally, interveners have some interest in the appeal and some information that is relevant to the appeal.

For appeals filed under the *Forest and Range Practices Act*, *Range Act*, and *Wildfire Act*, the Commission designates interveners through section 33 of the *Administrative Tribunals Act*, which allows interveners to be recognized where:

- they can bring a valuable contribution or perspective to an appeal, and

- the potential benefits of their intervention outweighs the prejudice to the parties that results from the intervention.

For appeals under the *Private Managed Forest Land Act*, the test is different. Section 33(6) of that statute allows the Commission to recognize an intervener where they are “materially affected by the outcome of the appeal.”

Interveners have some, but not all, of the rights that parties do, to bring applications, present evidence, and make arguments to the Commission. The Commission will decide what limits to place around the rights of interveners to participate in any given appeal.

How to apply to be added as a party or intervener

You must make a written request to become a party or intervener in an appeal. You must include your name, address, telephone number and your email, if you have one. You must explain your interest in the appeal and what useful information you have for the Commission. You must explain why you should be added as a party or intervener.

Where someone requests to be added as a party, the Commission will consider whether they could have appealed the decision and how much its decision may affect them. Third party status is reserved for those who may be directly and significantly affected by the Commission’s decision.

If you want to be added as an intervener, you also have to say how you want to take part in the appeal (to make a statement, present evidence, or challenge evidence provided by parties). Bear in mind the test that the Commission will consider, given the statute under which the relevant appeal has been filed.

The Commission will consider several things when deciding someone’s request to be added as an intervener, including:

- where the appeal is in its process;
- the impact on the appeal and the parties of adding the person to the appeal;
- the impact that the Commission’s decision in the appeal might have on the person;
- how this person will give information or a perspective that will help the Commission decide the appeal;
- whether the person’s information or perspective can be provided by someone else already involved in the appeal; and
- the degree of participation requested by the person.

The Commission will provide a written decision on the request. The Commission will tell the person how they may take part in the appeal if it grants their request.