



# Forest Appeals Commission

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**APPEAL NO. 1999-FOR-04**

## FOREST APPEALS COMMISSION

IN THE MATTER OF  
THE FOREST PRACTICES CODE OF BRITISH COLUMBIA ACT  
R.S.B.C. 1996, C. 159,  
(Ministry of Forest E.R.A. File numbers DPG 99-0012 & 99-0031)

<b>BETWEEN:</b>	FOREST PRACTICES BOARD	<b>APPELLANT</b>
<b>AND:</b>	THE PAS LUMBER CO. LTD.	<b>RESPONDENT</b>
<b>AND:</b>	GOVERNMENT OF BRITISH COLUMBIA	<b>RESPONDENT</b>

### **CONSENT ORDER**

On November 19, 1999 the Forest Practices Board appealed the determinations made in Ministry of Forests files numbered DPG 99-0012 and DPG 99-0031, as varied by a November 8, 1999 Administrative Review decision of Glen Baber. In both files the review decision upheld the District Manager's original finding that The Pas Lumber Company Ltd. had contravened Sections 67(l)(e), 67(l)(f) and 67(2)(d) of the *Forest Practices Code of British Columbia Act*. However, the reviewer reduced the original contravention penalties set by the District Manager to zero.

On December 1, 1999 prior to the matter being scheduled to be heard, the Appellant and the Respondents made the attached joint submission to the Commission requesting that the District Manager's original penalties be re-instituted.

**Accordingly, the Commission orders by consent of the parties that the November 8, 1999 review decision of Glen Baber be varied as follows:**

- **In Ministry of Forests file #DPG 99-0031, the penalty assessed for the contraventions of sections 67(l)(e), 67(l)(f) and 67(2)(d) of the Forest Practices Code of British Columbia Act is set at \$6575.65.**
- **In Ministry of Forests file #DPG 99-0012, the penalty assessed for the contraventions of sections 67(l)(e), 67(l)(f) and 67(2)(d) of the Forest Practices Code of British Columbia Act is set at \$6299.48.**

Dated at Victoria, British Columbia, this 15th day of December, 1999.

"Signed"  
Toby Vigod, Chair  
Forest Appeals Commission

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**JOINT SUBMISSION ON BEHALF OF THE PARTIES**

1. Following a review and discussion of the facts of this case, the Forest Practices Board and the Government agree that reinstating the penalty amounts originally imposed by the District Manager in the determinations involved in this case would create penalties that would appropriately reflect all relevant factors, both economic and non-economic, including those described in s. 117(4)(b) of the *Forest Practices Code of British Columbia Act* which are appropriate to this case. The Respondent The Pas Lumber Co. Ltd. also agrees to the reinstatement of the said penalty amounts originally imposed by the District Manager, taking no position as to whether the penalties reflect an appropriate application of the relevant factors described in s. 117(4)(b) of the *Code Act*.
2. Consequently, all parties jointly request that the Forest Appeals Commission vary the November 8, 1999 review decision of Glen Baber as follows:
  - In Ministry of Forests file #DPG 99-003 1, the penalty assessed for the contraventions of sections 67(l)(e), 67(l)(f) and 67(2)(d) of the Forest Practices Code of British Columbia Act be set at \$6575.65.
  - In Ministry of Forests file #DPG 99-0012, the penalty assessed for the contraventions of sections 67(l)(e), 67(l)(f) and 67(2)(d) of the Forest Practices Code of British Columbia Act be set at \$6299.48.

Respectfully submitted, this 15th day of December, 1999.

"Signed"  
Calvin Sandborn  
Counsel for the Appellant Forest Practices Board

"Signed"  
Jeffrey Waatainen  
Counsel for the Respondent, The Pas Lumber Co. Ltd.

"signed"  
Karen Tannas  
Counsel for the Government