



FOREST  
APPEALS  
COMMISSION

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Annual Report

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2019



## Forest Appeals Commission

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Dear Ministers:

Please find enclosed the Annual Report of the Forest Appeals Commission for the year 2019.

Yours truly,

Darrell LeHouillier  
Chair  
Forest Appeals Commission



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## Message from the Chair

I am pleased to present the Annual Report of the Forest Appeals Commission for the 2019 calendar year.

This is my first report as the new Chair of the Commission. Alan Andison, the long-standing Chair, retired in July 2019. Mr. Andison worked for the BC public service for over 30 years, and was Chair of the Commission for 19 years. During that time, Mr. Andison was instrumental in establishing the first tribunal cluster in BC, combining the office of the Environmental Appeal Board and the then newly-created Forest Appeals Commission. Mr. Andison's service, vision and leadership as Chair, and his dedication and contribution to the law and administrative justice, have benefitted the Province and the administrative justice system.

I wish to thank the Commission's members and staff for their patience and understanding during this time of transition. I also wish to thank staff within the Ministry of the Attorney General, particularly the Tribunal Transformation & Supports Office, for their support as I acclimate to serving as Chair.

Unfortunately, the Commission also lost one of its valued members, Lorne Borgal, in an airplane crash in May 2019. Lorne was well-respected on the Commission and a valuable member of his community. He had been a long-time public servant through his membership on the Commission. The Commission wishes to thank Lorne for his public service and to offer condolences to his friends and family.

While there were no other changes in membership over the year, I anticipate recommending appointments for Cabinet consideration given the losses of Mr. Andison and Mr. Borgal. The Commission is committed to ensuring it has members of the highest quality, and that it represents the diversity that exists within British Columbia.

I also recommend that Cabinet consider whether a statutory amendment is required under the *Forest and Range Practices Act*, to reflect recent changes in administrative law. In 2019, the Supreme Court of Canada updated this area of law in *Vavilov v. Canada (Minister of Citizenship and Immigration)*, 2019 SCC 65. That decision may fundamentally alter the way courts review decisions by the Commission. As a result, I recommend that the Attorney General and the Minister of Forests, Land, Natural Resources and Rural Development (the "Minister") consider whether the new administrative law regime will express the legislature's intention, for how much deference the courts show decisions from the Commission on certain matters.

Continuing the theme of changes, in 2019 the Commission also ushered in a new electronic case management system to replace an outdated system that could no longer be supported. Although it seems no information technology update goes as smoothly as planned, the flexibility exhibited by our staff and the tireless patience of our contractor has helped maintain efficient operations as we look forward toward completing our transition to the new system.

The Commission is also in the process of updating its website. Needed infrastructure changes are being done first, and we are looking forward to updating our content and modernizing this important means of providing information to the public that we serve.

Additionally, the Commission is engaged in an assessment of options for an electronic document management system, to improve operational efficiency and do our work in a more environmentally friendly format. This assessment is in its infancy, and is likely to continue through 2020 and beyond before any implementation is undertaken.

The Commission is also engaged in a service delivery realignment project. We have designed a survey to provide to recent, historical system users. This will help us identify, from a user-focused perspective, what is working well and what could be improved in the Commission's procedures. We have identified potentially interested citizens' groups, including indigenous communities and indigenous resource delivery groups, and have invited them to participate as stakeholders in the project. We are and will be consulting directly with our "high volume" parties – representatives from the Attorney General's Litigation Services Branch (who often represent government decision-makers who are respondents in appeals), the Forest Practices Board (which is often a third party in appeals), and high-level civil servants from the Ministry of Forests, Lands, Natural Resources and Rural Development (who have institutional knowledge of the appeal system and the impacts of the Commission's decisions).

The Commission is striving toward an efficient, effective, responsive, and user-focused approach to handling appeals. We are actively working toward fulfilling our obligations with a view to proactive engagement with indigenous communities, as described in the Truth and Reconciliation Commission's 94 Calls to Action.

In 2019, the Commission also carried out its core legislated responsibilities: hearing and considering appeals. Twelve new appeals related to twelve separate decisions were filed with the Commission. Sixteen appeals relating to sixteen different decisions were closed, resulting in a slight reduction in the Commission's appeal inventory. Most appeals that were closed were withdrawn or settled by consent, with the rest being closed after the Commission released decisions on the merits of the appeals.

The appeal process took, on average, 443 days to complete. This was longer than the average from the three preceding years, 292 days. Decisions on the merits took, on average, 540 days in 2019 (up from 431 days on average in the preceding three years). Appeals completed without decisions on the merits took, on average, 249 days in 2019 (up from 193 days in the preceding three years). Given the small number of appeals decided by the Commission and the variability in appeal complexity, conclusions regarding trends cannot be identified based on this information; however, timeliness in decision-making will be a focus in the service delivery realignment project.

The Commission's expenditures in the 2017/2018 fiscal year totalled \$85,687, significantly below the previous three-year average of \$104,412. Expenditures from April 1 to December 31, 2019 totalled \$91,679, putting the Commission on pace to exceed its recent average expenditures. Variation between the 2017/2018 fiscal year and 2018/2019 fiscal year likely reflect natural variability within the Commission's workload.

Since assuming the role of Chair, I have emphasized early intervention in appeals, in an attempt to resolve contentious preliminary issues and to encourage dispute resolution between parties to an appeal, where appropriate. I will continue to do so, to encourage the faster and more economical resolution

of appeals, where appropriate, on terms decided between the parties. The service delivery realignment project will strive to achieve the same aims, while also working to make the Commission more accessible, accountable, and responsive to the needs of its users, private and governmental alike. Given that this transition to a new style of appeal management only started in late 2019, significant impacts have likely not yet been experienced.

In closing, I wish to thank the members and staff of the Commission for their tireless public service. I am fortunate to work with such a group of dedicated, expert individuals.



Darrell Le Houillier  
Chair





# Introduction

The Forest Appeals Commission was established in 1995 under the *Forest Practices Code of British Columbia*, and operates today under the *Forest and Range Practices Act*. The Commission was established primarily to provide an independent level of appeal from some decisions made by government. Currently, appeals may be filed of some decisions made under the *Forest Act*, the *Forest and Range Practices Act*, the *Private Managed Forest Land Act*, the *Range Act*, and the *Wildfire Act*.

The Commission, through its annual reports, also provides the Lieutenant Governor in Council (Cabinet) with an evaluation of appeal and review processes. The Commission may also recommend amendments to forest legislation and regulations respecting reviews and appeals. As I noted earlier, the Commission is recommending considering such an amendment in this year's report.

In deciding appeals, the Commission weighs evidence and makes findings of fact. It interprets the legislation and common law and applies those sources of law to its factual findings. The Commission may compel the production of evidence and must ensure that its processes are procedurally fair to those involved in appeals.

The Minister and/or any party to an appeal has a further right of appeal from a decision of the Commission to the Supreme Court of British Columbia, on questions of law or jurisdiction.

All decisions made by the Commission, as well as its Rules, its Practice and Procedure Manual, and information to assist the public through the appeals process, can be found on its website ([fac.gov.bc.ca](http://fac.gov.bc.ca), until replaced at an as-yet undefined date in 2020, by [bcfac.ca](http://bcfac.ca)).





# Review of Commission Operations

The principal work of the Commission is to process appeals from certain statutorily-authorized decisions made under the *Forest Act*, the *Forest and Range Practices Act*, the *Private Managed Forest Land Act*, the *Range Act*, and the *Wildfire Act*.

The Commission also must provide the Minister with an annual evaluation of the manner in which reviews and appeals under those Acts are functioning, and to identify any problems that have arisen under the provisions of those Acts. Furthermore, the Commission must make recommendations to the Minister concerning any need to amend those Acts and related regulations respecting reviews and appeals. These functions are all addressed within this annual report.



# Appeal Procedures

An appeal begins when a notice of appeal is filed against a particular decision made by a statutory decision-maker. The Commission assesses whether the appeal seems to meet threshold requirements: that the appellant has the ability to appeal the decision, that the decision is appealable, that the appeal was filed within the statutory timeframe allowed, and whether the Commission has the authority to grant the requested outcome of the appeal. Which decisions can be appealed and who can appeal those decisions depends on the statute under which the decision was made.

For many appeals, depending on the statute under which the appealed decision was made, the Commission will invite the Forest Practices Board to be a party to the appeal, if the Board did not file the appeal in the first place. The Commission may also invite interveners to participate in the appeal.

The Commission may conduct appeals in writing or in person (an oral hearing), depending on the needs of the parties and based on principles of procedural fairness in administrative law.

As part of the legislative scheme governing the Commission, parties to an appeal have the right to appeal decisions of the Commission to the British Columbia Supreme Court, on questions of jurisdiction and law.



## Forest Act

The *Forest Act* governs the allocation and administration of Crown-owned timber in British Columbia. Under the *Forest Act*, determinations, orders, and decisions may be appealed to the Commission, either directly or following a review of that determination, order, or decision, by someone appointed by the Minister to do so.

Matters that may be appealed directly to the Commission are categorized as decisions related to:

- general tenure provisions, including:
  - compensation for tree farm licence holders where allowable cuts in tree farm licence areas are reduced;
  - allowances for third parties to cut timber on unused land within a tree farm licence area; and
  - reducing annual allowable cuts because of soil disturbance; and
- payments to government, including:
  - rent payable in respect of a tree farm licence, woodlot licence, community forest agreement, or first nations woodland licence;

- stumpage rates; and
- ministerial orders to define the volume of timber harvested under certain licences.

Matters that may be appealed to the Commission following reviews are categorized as decisions related to:

- general tenure provisions, including:
  - suspension and cancellation of a person's registration as a BC timber sales enterprise or of a BC timber sales agreement;
  - changes to the allowable cut within a timber supply area for a variety of reasons;
  - suspension, cancellation, or reduction of an agreement to allow a person to carry out innovative forestry practices;
  - the ability of the government to use Crown land for a purpose compatible with timber harvesting; and
  - the suspension of, reinstatement of, or cancellation of rights under an agreement due to failure to comply with obligations under the agreement or legislation; and
- payments to government, including:
  - rent payable in respect of woodlot licences and community forest agreements; and
  - ministerial orders limiting harvested volumes in certain circumstances.



## Forest and Range Practices Act

The *Forest and Range Practices Act* regulates: operational planning; forestry practices, such as road building, logging, and reforestation; requirements for range use planning; range stewardship and grazing schedules; protection of forests and ranges; compliance; enforcement; and monitoring. Under the *Forest and Range Practices Act*, appealable decisions are categorized as decisions related to:

- approvals, denials, and amendments to forest stewardship, site, and woodlot licence plans;
- forest practices requiring, in certain circumstances, plan-holders to submit plans to prevent, contain, control, limit the spread of, or dispose of, threats to forested areas, including insects, diseases, and animals;
- approvals, orders, and determinations regarding range use plans, range stewardship plans, or amendments to either;
- the protection of resources, including orders related to unauthorized uses of Crown land for:
  - the storage of hay;
  - range development;
  - the construction or occupation of buildings;
  - the construction, rehabilitation, or maintenance of trails or recreational facilities;
- compliance and enforcement, including:
  - stop work orders;
  - remediation orders;
  - the imposition or non-imposition of administrative penalties;
  - orders related to the general intervention power of the Minister;

- the suspension or cancellation of forest stewardship plans, woodlot licence plans, range use plans, range stewardship plans, and permits in certain circumstances;
- general provisions, including:
  - declarations limiting certain persons' liability to government and/or relieving persons from obligations under the *Forest and Range Practices Act* or an operational plan; and
  - imposing conditions in respect of an order, exemption, consent, approval, or authorization given or granted under the *Forest and Range Practices Act*; and
- regulations and standards, where the Minister exempts a person from regulations related to the construction, maintenance, use, or deactivation of certain roads, or the use of certain vehicles on forest service roads and rights of way.

The Commission also decides appeals from review decisions by government officials, of determinations that could themselves have been appealed to the Commission. Only the determination or a review decision of that determination – but not both – may be appealed to the Commission.

Lastly, the Commission may, at the request of the Forest Practices Board, order the Minister or an official to make determinations related to administrative penalties or remediation orders.



## Private Managed Forest Land Act

The *Private Managed Forest Land Act* encourages private landowners to manage their forests for long-term forest production by offering property tax incentives. The legislation establishes objectives with respect to soil conservation, water quality, fish habitat, critical wildlife habitat, and reforestation. The legislation also establishes the Private Managed Forest Land Council, which administers the managed forest program.

A person who is subject to certain orders, decisions, or determinations of the Council may appeal those to the Commission. Those matters, which are found within the Compliance and Enforcement provisions of the *Private Managed Forest Land Act*, include:

- determinations that a person has contravened the Act or its regulations;
- stop work orders and remediation orders;
- notifications to the government-appointed assessor that a person has contravened or is contravening the Act or its regulations; and
- variations of orders, decisions, and determinations.



## Range Act

The *Range Act* governs management of Crown-owned range land, including by creating various forage tenures, addressing tenure management, and establishes the regulatory framework for grazing and hay-cutting licences and permits. The *Range Act* also includes compliance and enforcement tools.

People who are the subject of, or whose licences or permits are affected by, certain orders, decisions, or amendments made by certain government

officials may appeal those to the Commission. Decisions that may be appealed to the Commission are categorized as decisions related to:

- licences and permits, including:
  - suspension and reinstatement of rights under a licence or permit for non-compliance or due to weather or natural events; and
  - reduction of allowable grazing or hay harvesting under a licence or permit for a variety of reasons; and
- compliance and enforcement, by cancelling rights under a licence or permit for non-compliance.

The Commission also decides appeals from review decisions by government officials, of determinations that could themselves have been appealed to the Commission. Only the determination or a review decision of that determination – but not both – may be appealed to the Commission.



## Wildfire Act

The *Wildfire Act* is dedicated to wildfire protection in British Columbia. It defines responsibilities and obligations with respect to fire use, prevention, control, and rehabilitation. It allows the Government to recover costs and money for damages related to wildfires. The *Wildfire Act* also allows the government to make orders, issue determinations, and impose administrative penalties for non-compliance with the legislation.

Following a process of review by a government official, certain decisions under the *Wildfire Act* may be appealed to the Commission, either by a person named in the order or by the Forest Practices Board. Those decisions can be categorized as related to:

- forest and range protection, through orders for the abatement of fire hazards;
- fire prevention and fire control, by reducing compensation to those carrying out fire control because of their role in causing or contributing to a fire or its spread; and
- cost recovery and penalties, through:
  - orders for the recovery of fire control costs, damages, and costs recoveries;
  - contravention orders and associated administrative penalties and recovery of damages and costs;
  - remediation orders and administrative penalties for noncompliance with those orders; and
  - stop work orders.



# Statutory Framework

The statutory framework governing the operation of the Commission is found in Part 8.1 of the *Forest and Range Practices Act*, sections 140.1 to 140.7. The following sections of the *Administrative Tribunals Act* apply to the Commission:

- Parts 1, 2, 3, 4 (except sections 22, 25, 33<sup>1</sup>, 34(1), and 34(2)), 6 (except sections 47.1 and 47.2), 7, 8, and 10; as well as
- Sections 59.1 and 59.2.

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<sup>1</sup> Generally, section 33 of the *Administrative Tribunals Act* does not apply to the Commission; however, that section does apply to appeals advanced under sections 82 and 83 of the *Forest and Range Practices Act*.



## Performance Indicators

In 2019, the appeal process took, on average, 443 days to complete. Where decisions were issued on the merits of an appeal, the average was 540 days.

Where decisions were resolved without a decision on the merits (in the case of 2019, by abandonment, withdraw, or consent order), the average was 249 days.

Over the three previous years appeals were resolved, on average, in 193 days without a decision on the merits, in 431 days with a decision on the merits, and 292 days overall. Given the small number of appeals decided by the Commission, conclusions regarding trends cannot be identified based on this information.

There were no appeals filed with or active in the British Columbia Supreme Court in 2019, of any decisions from the Commission.





# Applications and Appeals in 2019

While the Commission is responsible for considering appeals on a broad range of subjects, the appeals started in 2019, and the inventory at the end of that year, represent a relatively narrow focus. Within the *Forest Act*, all 17 active appeals were from stumpage decisions under Part 7: Payments to Government. All active appeals under the *Wildfire Act* were from decisions under Part 3: Administrative Penalties and Cost Recovery.

Under the *Forest and Range Practices Act*, seven of the nine appeals were from Part 6: Compliance and Enforcement. One appeal deals with a decision under that part as well as a decision under

Part 5: Protection of Resources. The other appeal concerns a decision made under Part 2: Forest Stewardship Plan, Site Plan and Woodlot Licence Plan.

The table below summarizes the number of appeals in the Commission’s inventory at the start of 2019, filed in 2019, and completed in 2019. These figures are broken down by the legislation under which each appeal was filed. The number of appeals appears as the first number in each field, while the second number (in parentheses) provides the number of government decision letters that were the subject of appeals (as one decision letter may generate one or more appeals).

	Inventory (Start of 2019)	New Appeals in 2019	MATTERS RESOLVED VIA...				Inventory (End of 2019)
			Rejection	Abandonment or Withdraw	Consent Orders	Final Decisions	
<i>Forest Act</i>	17 (17)	0	0	8 (8)	0	1 (1)	8 (8)
<i>Forest and Range Practices Act</i>	5 (5)	4 (4)	0	1 (1)	2 (2)	3 (3)	3 (3)
<i>Private Managed Forest Land Act (Part 5: Compliance &amp; Enforcement)</i>	0	0	0	0	0	0	0
<i>Range Act</i>	0	0	0	0	0	0	0
<i>Wildfire Act</i>	5 (5)	8 (8)	0	0	1 (1)	0	12 (12)
<b>TOTAL</b>	<b>27 (27)</b>	<b>12 (12)</b>	<b>0</b>	<b>9 (9)</b>	<b>3 (3)</b>	<b>4 (4)</b>	<b>23 (23)</b>

The Commission convened oral hearings on the merits of three appeals in 2019. These three oral hearings lasted a total of 25 days. While some applications were decided by way of written submissions, no appeals proceeded on their merits via written submissions in 2019.



## Forecast of Workload

From 2017 to 2019, the Commission has seen between 13 and 19 appeals filed each year. This represents an increase over the preceding two years, in which 5 to 10 appeals were filed. Year-to-year variability is expected given the modest volume of appeals handled by the Commission; however, based on available information (including the trend of increasing workload for the Commission), the Commission expects to receive between 15 and 25 appeals in 2020.



# Forecast of Trends and Special Problems

The Commission has not observed any trends of note. The Commission is unaware of any systemic problems related to its areas of authority.

The Commission is unaware of any indications of special problems or issues related to the process of reviews at the Ministry of Forests, Lands, Natural Resources and Rural Development.



## Surveys

No surveys were undertaken in 2019; however, a survey is planned for 2020 and results should be available in next year's annual report.



## Plans for Improving Commission Operations

The Commission's operations will improve with the continuing transition to the new case management system implemented in the fourth quarter of 2019. As staff becomes more familiar with the system and as we continue to address issues with its functionality, we will achieve greater efficiency in our operations and service delivery.

The Commission will be updating its website in 2020. This will improve communication and transparency with the public. In 2020 and beyond, the Commission will work to make its processes more accessible by taking advantage of more electronic and web-based solutions for appeal processes.

The Commission is engaged in a comprehensive service delivery realignment project. The Commission is actively working to improve its accessibility, efficiency, efficacy, responsiveness, and timeliness. The Commission is modifying its operational philosophy towards a user-focused approach. We will be consulting with our historical system users and with other significant stakeholders to develop processes and procedures to more quickly and efficiently adjudicate the appeals that come before us.



# Recommended Legislative and Regulatory Amendments

## Background

Section 140.3(c) of the *Forest and Range Practices Act* requires the Commission to make recommendations, at least annually, to the Minister, for proposed legislative and regulatory amendments. These proposed amendments may relate to the five Acts over which it exerts appellate authority, as well as related regulations respecting reviews and appeals.

In this report, the Commission recommends consideration of one legislative amendment related to the administration of the Commission.

As alluded to previously in this report, section 140.7 of the *Forest and Range Practices Act* authorizes parties to appeals, and/or the Minister, to appeal a decision of the Commission. Such an appeal must be on questions of law or jurisdiction, and is heard and decided by the British Columbia Supreme Court.

This had, and continues to have, implications for how much deference the court afforded to decisions of the Commission. “Deference” refers to a court’s willingness to accept a decision of a tribunal, like the Commission, rather than substituting the tribunal’s decision with a decision of its own.

Historically, to determine how much deference (if any) the courts should show to the Commission on a given issue, the courts applied a contextual approach and considered, among other factors, how expert and specialized the Commission

was and whether the legal analysis was constrained to the interpretation of the Commission’s home statutes.

Applying this approach, the courts have typically applied the deferential standard of “reasonableness” to the Commission’s decisions. This means that the courts did not substitute their decision for the Commissions, even if it did not agree with the decision: the courts deferred to the Commission. The courts applied this standard in most cases because they found the Commission to be an expert tribunal with specialized knowledge of, and familiarity with, the legislation under which it hears appeals.

Now, however, the question of expertise and specialization has been removed from the equation. In *Canada (Minister of Citizenship and Immigration) v. Valivov*, 2019 SCC 65, the Supreme Court of Canada has declared the end of the contextual approach. Courts are to determine the level of deference based on the court’s assessment of legislative intent and the rule of law.

The Supreme Court has stated that courts will deal with statutory appeals by applying an “appellate standard”. These standards may be defined in the relevant legislation or defined by the court based on the type of question that is appealable.

The default appellate standard of review for questions of jurisdiction and law is correctness; that is, on appeal or in judicial review, the court will change any decision of the Commission with which the court disagrees. The court will simply ask itself what

decision it would have made on a question of law. This may not have been the intention of the legislature when it created the rights of appeal contained in section 140.7 of the *Forest and Range Practices Act*.

If the legislature wishes the court to give greater deference to the Commission, section 140.7 of the *Forest and Range Practice Act* should be removed or amended.

If the statutory right of appeal to the court is removed, parties to an appeal before the Commission would still be able to apply to court for a judicial review of the Commission's decision. In such circumstances, the courts will still apply a standard of correctness to questions of law and jurisdiction on constitutional matters (including aboriginal rights), matters of central importance to the legal system as a whole, and where there are areas of shared jurisdiction with other administrative decision-makers. The courts consider that the rule of law requires that administrative decision-makers, like the Commission, make correct decisions on such questions. For other questions of law and jurisdiction, the court will likely only interfere with decisions from the Commission if those decisions are found to be unreasonable. If the legislature wishes a different level of deference to apply, it could clarify this by specifying the applicable level of deference to the *Forest and Range Practices Act* or by incorporating a reference of a standard codified in sections 58 and 59 of the *Administrative Tribunals Act*.

If the right of appeal is amended, the legislature may clarify how much deference it wants the courts to apply when considering decisions of the Commission, at least to the extent that it can do so. While the court will apply the correctness standard to constitutional matters, matters of central importance to the legal system as a whole, and jurisdictional questions between administrative decision-makers, the legislature could define the appropriate level of deference the courts should give the Commission on

other issues by amending the *Forest and Range Practices Act* as described above.

## Recommendation

The Commission suggests that, since the courts will no longer consider the expertise of the Commission or the specialized nature of the statutes over which it has authority when deciding how much deference (if any) to show to the Commission, the legislature may wish to do so. This is a question of legislative intent; if the legislature wishes the courts to defer to the Commission to at least some degree, on some questions of law or jurisdiction, some legislative amendment will be required. If the legislature would rather the courts to have the final say over all questions of law and jurisdiction, including in areas over which the Commission has specialist knowledge and appellate authority, no amendment is required.





# Commission Membership

Members of the Commission are appointed by the Lieutenant Governor in Council under Part 2 of the *Administrative Tribunals Act*. The Commission has diverse, highly qualified members, including professional foresters, biologists, engineers, and agronomists. The Commission also has lawyers with expertise in natural resource and administrative law. Members are appointed from across British Columbia and the Commission is committed to soliciting applications to ensure its membership reflects the diversity of British Columbians, while ensuring members have the requisite expertise and experience to carry out their responsibilities to the highest standards.

The following tables summarize the membership of the Commission as of December 31, 2019, as well as changes in membership during 2019.

## Members of the Forest Appeals Commission with Special Duties as of December 31, 2019

Name	End of Term
Darrell Le Houillier (Chair)	July 29, 2022
Gabriella Lang (Vice Chair)	December 31, 2021
Robert Wickett, Q.C. (Vice Chair)	December 31, 2021

## Members of the Forest Appeals Commission as of December 31, 2019

Name	End of Term
Maureen Baird, Q.C.	December 31, 2020
Monica Danon-Schaffer	December 31, 2020
Brenda L. Edwards	December 31, 2022
Les Gyug	December 31, 2020
Jeffrey Hand	December 31, 2022
Lana Lowe	December 31, 2020
Reid White	December 31, 2020
James Mattison	December 31, 2020
Linda Michaluk	December 31, 2020
Susan Ross	December 11, 2022
Teresa Salamone	December 31, 2020
Howard M. Saunders	December 31, 2022
Daphne Stancil	December 31, 2021
Douglas Vandine	December 31, 2020
Norman Yates	December 31, 2020

## New and Former Members of the Forest Appeals Commission

New Members	Start of Term
None <sup>2</sup>	

Former Members	End of Term
Lorne Borgal	May 4, 2019
Alan Andison (Chair)	July 26, 2019

<sup>2</sup> Darrell Le Houillier was an existing member of the Commission before July 29, 2019 when he was appointed Chair.



# The Commission Office and Use of Resources

The Commission's operations are facilitated through resources shared with the Community Care and Assisted Living Appeal Board, the Environmental Appeal Board, the Financial Services Tribunal, the Health Professions Review Board, the Hospital Appeal Board, the Industry Training Appeal Board, and the Oil and Gas Appeal Tribunal. These shared resources include registry services, legal advice, research support, systems support, financial and administrative services, professional development, and communications support.

Many of the expenses associated with the Commission's operations are shared with the Environmental Appeal Board, which is the principal body in the resource-sharing arrangement described above. As such, providing a separate report on the budget of the Commission does not capture the true

use of resources for budgeting purposes. This difficulty is compounded by the fact that the Commission is required, by regulation, to report based on the calendar year, whereas its fiscal year runs from April 1 to March 31. The Environmental Appeal Board's fiscal year and reporting year also run from April 1 to March 31.

With that limitation in mind, I have provided a summary of the Commission's direct expenses in 2019 and historically. The figures below do not account for several heads of expenditure, including all staff salaries and benefits. The following table summarizes the Commission's expenditures in those areas, rounded to the nearest dollar. Figures are provided based on a five-year average, in the 2018/2019 fiscal year, and in the 2019 portion of the 2019/2020 fiscal year.

Area of Expenditure	2015–2019 Fiscal Years Average	2018/2019 Fiscal Year Total	2019/2020 Fiscal Year to December 31, 2019
Member Fees and Expenses	\$ 46,911	\$ 57,105	\$ 66,541
Staff Travel	\$ 186	\$ 1,070	\$ 0
Professional Services	\$ 45,674	\$ 20,754	\$ 9,405
Information Systems	\$ 137	\$ 1,604	\$ 1,071
Office and Venue Expenses	\$ 3,342	\$ 5,010	\$ 8,866
Annual Report Publication	\$ 8,162	\$ 0	\$ 5,796
Other	\$ 0	\$ 144	\$ 0
<b>TOTAL</b>	<b>\$104,412</b>	<b>\$85,687</b>	<b>\$91,679</b>

