



**Forest Appeals  
Commission**

**Annual Report  
2024**







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The Honorable Ravi Parmar  
Minister of Forests  
Parliament Buildings  
Victoria, British Columbia  
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Dear Ministers:

Please find enclosed the 2024 Annual Report for the Forest Appeals Commission.

Yours truly,

A handwritten signature in green ink, reading "D. Le Houillier", is displayed above the printed name.

Darrell Le Houillier, Chair  
Forest Appeals Commission



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# Message from the Chair

**I** am pleased to present the Forest Appeals Commission's 2024 Annual Report.

The Commission's core business is resolving appeals. Eight new appeals, each arising from a separate statutory decision, were filed with the Commission in 2024. This represents a minor reduction in recent appeal intakes. The Commission closed ten appeals in 2024 but also had one re-opened following a successful statutory appeal to the British Columbia Supreme Court. This resulted in a reduction in the Commission's appeal inventory, from 25 to 24 appeals. The average age of appeals rose from 468 days to roughly 577 days. The Commission expects to resolve its oldest appeals in 2025 and projects a corresponding reduction in the average age of appeals.

The factual and legal complexity of the appeals heard by the Commission also remains high in the new appeals. This is unsurprising given that the financial implications of most appeals are significant and parties are motivated to present robust cases before the Commission.

Among the appeals closed in 2024, most (80%) were decided on the merits, while one was closed by way of a settlement order and another was withdrawn. The appeal process took, on average, 715 days to complete (an increase from the 692-day average in 2023 and the 548-day average since 2021). Appeals resolved by a decision on the merits took, on average, 761 days from the time the appeal was filed (a minor decrease from the 767-day average in 2023, but an increase from the overall average of 611 days since 2021). Of this time, panels took an average of 208 days to complete decisions, after all evidence and submissions were received.

Appeals without a hearing resolved on average in 533 days (a decrease from the 647-day average in 2023 but an increase from the 449-day average since 2021). The Commission expects the time needed to resolve appeals to increase in 2025 as the Commission continues to address the oldest appeals in its inventory and faces ongoing resource constraints.

The Commission is focused on improving the efficiency, responsiveness, and timeliness of its operations. Its service delivery realignment project, a multi-year effort aimed at a cover-to-cover redesign of its appeal processes, continued throughout 2024 and is being prioritized in 2025. This redesign follows a period of stakeholder engagement and a survey of system-users, and emphasizes more active appeal management by the Commission, greater preparation of parties for hearings, and more efficient assignment of appeals to panel members. The Commission will also be relying on engagement with Indigenous partners in ensuring that the redesign of appeal processes advances reconciliation and moves toward the fulfilment of its obligations under the Truth and Reconciliation Commission's 94 Calls to Action.

The Commission continued, throughout 2024, in combing through its records and identifying any unpublished decisions that may be of interest in legal research, for digitization and uploading to its growing repository of decisions hosted on CanLII. This is a measure aimed at modernizing the Commission's records retention and improving access to justice. Specifically, this effort will enhance the accessibility and searchability of decisions while addressing inefficiencies in historical document storage and retention.

This work will be greatly aided by the Commission having obtained an approved classification schedule under the Operational Records Classification

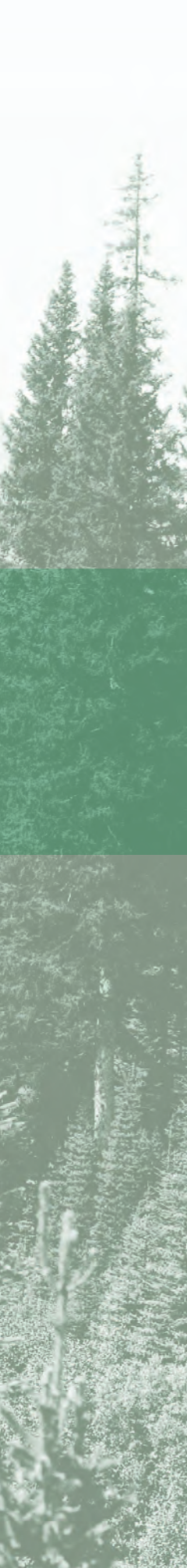
System. The Commission will now be able to identify historical documents for destruction and retention, as appropriate.

The Commission also looks forward to a review and update of its website in 2025 and relocation of its offices to another space in Victoria. This relocation is consistent with government’s attempts to more efficiently use office space and to ensure the consequent, efficient use of government resources.

The Commission’s expenditures in the 2023-2024 fiscal year totalled roughly \$302,500, which exceeds the five-year average preceding this reporting period (roughly \$187,000). Expenditures from April 1 to December 31, 2024, totalled roughly \$110,000, although the Commission is projected to again exceed its recent average annual expenditures in the 2024-2025 fiscal year. This reflects the number of and complexity of appeals, as well as the Commission needing to fund a staff position in its cluster of appeal bodies for 2024-2025.



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 provides an independent level of appeal from some decisions made by government officials 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.

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, [www.bcfac.ca](http://www.bcfac.ca).

## Review of Commission Operations

The principal work of the Commission is to resolve appeals from certain statutory 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 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.

## PIDA Disclosures

In 2024, there were no disclosures, as defined in the *Public Interest Disclosure Act*, submitted to the Commission. The Commission is not aware of any disclosures pertaining to it, its staff, or its members (past or present) submitted in 2024.



# Appeal Procedures

An appeal begins when a notice of appeal is filed in response to a decision made by a statutory decision-maker. The Commission assesses whether the appeal seems to meet threshold requirements:

- the legislation allows the appellant to appeal the decision,
- the decision is appealable,
- the appeal was filed within the statutory timeframe allowed, and
- 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, as discussed below.

For appeals of decisions made under the *Forest and Range Practices Act* and the *Wildfire Act*, the Commission will invite the Forest Practices Board to be a party to the appeal, if it is not the appellant. The Commission may invite or consider applications for interveners to participate in an appeal.

The Commission may conduct appeals in writing or orally, or as a combination of these two methods. Oral hearings may be conducted in person or by video-conference. The type of hearing depends on the needs of the parties and the principles of procedural fairness in administrative law and is determined by the Commission.

As part of the legislative scheme governing the Commission, parties who disagree with a decision of the Commission have the right to appeal 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 after they are made, 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 internal ministry 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, reinstatement, 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 forest and forestry 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.

Sometimes, decision-makers (or other Ministry staff authorized by the Minister) might first review an appealable determination. Those reviews may also be appealed to the Commission; however, only the determination or a review of that determination—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 establishing 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



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- 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 have been appealed to the Commission had they not first undergone internal ministry review. Only the determination or a review decision of that determination—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 its fire control costs and money for damages to Crown resources 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.

Certain orders 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 orders 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 and damages;
  - contravention orders and associated administrative penalties, as well as recovery of damages and costs;
  - remediation orders and administrative penalties for noncompliance with those orders; and
  - stop work orders.

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

# 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. Under section 140.2, 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.

## Performance Indicators

In 2024, the appeal process took, on average, 715 days to complete. This was significantly longer than in 2023, when the average time to resolve an appeal was 692 days. Appeals involving a hearing and decision on the merits took an average of 761 days (down slightly from 767 days in 2023, but up from 423 days in 2022 and 644 days in 2021). Appeals decided on the merits involved an average of 496 days of pre-hearing and hearing processes (down from 617 days in 2023) and 208 days between the end of the hearing and issuance of the decision (up from 150 days in 2023).

Where appeals were resolved without a decision on the merits (for example, by withdrawal or consent order), the average was 533 days (at the middle of the range of the averages from 2020 to 2023, with a lowest average of 145 days in 2022 and a highest average of 647 days in 2023).

The Commission expected an increase of appeal resolution times in 2024, but that did not materialize. Some older decisions that were expected to be completed in 2024 are instead projected to complete in early 2025. This means the increase in processing time projected for 2024 is instead now expected in 2025. Based on current funding levels, ongoing delays to resolve appeals are expected. Based on available resources, the Commission is now scheduling hearings into 2027.

The average age of an appeal in the Commission's appeal inventory rose from 468 days on January 1, 2024, to 577 days on January 1, 2025. This concerning metric is expected to fall slightly in 2025, before increasing year-over-year as the Commission is projected to face an increasing appeal backlog. This metric continues a generally increasing trend since 2018.

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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*.





# Appeals and Judicial Reviews of Commission Decisions

## *CNR v. BC*

In 2024, the Commission received a decision from the Court of Appeal of British Columbia with respect to one judicial review and one appeal, both filed in 2020 in response to one decision of the Commission: *Canadian National Railway Company v. Government of British Columbia*, Decision No. 2018-WFA-002(a).

The Commission's decision denied an appeal from the Canadian National Railway Company ("CN"). CN sought a monetary reduction in an order to pay the government's costs to control a wildfire, which one of the company's employees accidentally started while working on a railway track. CN also appealed the value of Crown resources that were damaged or destroyed in the wildfire. Some aspects of the company's efforts to detect and suppress the wildfire violated the *Wildfire Act* and the *Wildfire Regulation*. After hearing the appeal, the Commission increased the amount of the cost recovery order to reflect its view of the damage to Crown resources. The effect was an increase in the total amount CN was ordered to pay, from \$15,992,417.97 to \$16,323,527.62.

The province and CN agreed that the Commission's reclassification of grassland was done inappropriately and reduced, by consent and with a Court order, the amount to be paid by \$422,310.25. The Court otherwise confirmed the Commission's decision. This outcome was further confirmed by the Court of Appeal.

## *Tolko v. BC*

The Commission also received one decision on a statutory appeal from the Court of Appeal, with respect to *Tolko Industries Ltd. v. Government of British Columbia*, Decision No. 2019-WFA-002(b) ("*Tolko*"). In that decision, the Commission granted, in part, Tolko Industries Ltd. ("*Tolko*")'s appeal of an administrative penalty and cost recovery order levied under the *Wildfire Act*. Tolko had argued that it did not contravene the requirements of the *Wildfire Act* and its regulations, but the Commission found that it had.

The Commission concluded that Tolko's contraventions were not excused by the defences of mistake of fact or due diligence; however, Tolko was exempt from repaying fire control costs under section 29(b) of the *Wildfire Regulation*. The Commission applied this exemption because it concluded that Tolko had been engaged in certain activities protected under section 29(b) (timber harvesting or silviculture treatments) and had not wilfully caused or contributed to the fire which gives rise to the government's costs. The panel concluded this because Tolko had not meant to start a wildfire, and the fire they started was not a wildfire, but a debris burning fire, which later smouldered underground as a holdover fire, before reigniting and becoming wildfire.

As a result, the Commission reduced the total amount that Tolko was required to pay, from \$489,655.20 to \$146,160, and the remainder of the cost recovery order and the penalty were confirmed. On statutory appeal, the Supreme Court of British Columbia overturned the Commission's decision and restored the original amount to be paid.

The Court of Appeal reversed the decision from the BC Supreme Court, confirming the Commission's decision.

### ***North Enderby Timber v. BC***

In 2022, the province appealed *North Enderby Timber Ltd. and Canadian Cedar Oil Technologies Ltd. v. Government of British Columbia*, FAC-WFA-20-A001-A002(a). This decision relied on the same rationale as in *Tolko*. Following the issuance of the Court of Appeal's decision related to *Tolko*, the province abandoned this appeal.

### ***Canadian Forest Products Ltd. v. British Columbia***

This case was decided while the British Columbia Supreme Court ruling in response to *Tolko* was in place, but before the Court of Appeal had reached its conclusion. The Commission followed the guidance provided by the Supreme Court and found that the Appellant in the case at issue was liable to pay fire control costs because section 29(b) of the *Wildfire Regulation* did not apply. The Appellant, Canadian Forest Products Ltd., appealed. With the ruling from the Court of Appeal, however, the Commission, along with the other parties, consented to variation of its decision in this case.

### ***Eldon Whalen v. FAC***

On May 16, 2023, the Commission issued a decision, *Eldon Whalen v. Government of British Columbia*, 2023 BCFAC 3 (CanLII). This decision confirmed the appealed decision. First, the panel confirmed that Mr. Whalen contravened the *Wildfire Act* and its regulation. The panel in this case did not follow the analysis from *Tolko* and *North Enderby* in reaching that conclusion. Second, the panel confirmed that the defenses of mistake of fact and due diligence did not apply. Third, the panel confirmed the administrative penalty and cost recovery order.

Mr. Whalen filed an appeal and a judicial review of the Commission's decision. The Court allowed Mr. Whalen's appeal, finding that a relevant finding of the Commission was unreasonable. The matter has been remitted to the Commission for a re-hearing.





# Applications and Appeals in 2024

While the Commission is responsible for considering appeals on a broad range of subjects, the appeals that were active in 2024 represent a relatively narrow focus: four were filed under the *Forest and Range Practices Act* and four were filed under the *Wildfire Act*.

All four appeals filed under the *Forest and Range Practices Act* in 2024 involved penalty decisions made under Part 6: Compliance and Enforcement. These decisions also included findings of contraventions under Part 3: Forest Practices (two of the appeals), Part 5: Protection of Resources (three of the appeals), and Part 6: Compliance and Enforcement (one appeal). Two of the decisions appealed to the Commission include multiple findings of contravention, which is why there are more contravention decisions than there are appealed decisions under the *Forest and Range Practices Act* from 2024.

The four appeals brought under the *Wildfire Act* in 2024 all were from decisions under Part 3: Administrative Remedies and Cost Recovery. Two of these decisions also included findings of noncompliance with Part 1: Forest and Range Protection Requirements and with the *Wildfire Regulation*, while one of those decisions included a finding of noncompliance with the *Wildfire Regulation* only.

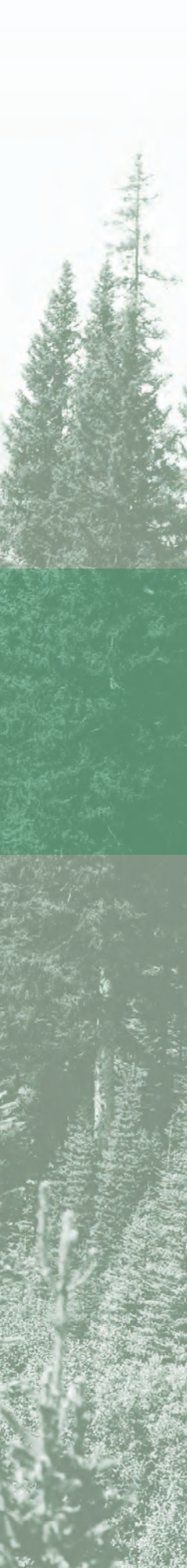
The table below summarizes the number of appeals in the Commission's inventory at the start of 2024, filed in 2024, and completed in 2024. These figures are broken down by the legislation under which each appeal was filed. The number of appeals appears as the first number in each field, while the second 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 2024)	New Appeals in 2024	Matters Resolved via...				Inventory (End of 2024)
			Rejection or Dismissal	Abandonment or Withdraw	Consent Orders	Final Decisions	
<b>Forest Act</b>	1 (1)	0	0	1 (1)	0	0	0
<b>Forest and Range Practices Act</b>	15 (14)	4 (4)	0	0	0	5 (4)	14 (14)
<b>Private Managed Forest Land Act (Part 5: Compliance &amp; Enforcement)</b>	0	0	0	0	0	0	0
<b>Range Act</b>	2 (2)	0	0	0	0	1 (1)	1 (1)
<b>Wildfire Act</b>	7 (7)	4 (4)	0	0	1 (1)	2 (2)	9 (9)
<b>TOTAL</b>	<b>25 (24)</b>	<b>8 (8)</b>	<b>0</b>	<b>1 (1)</b>	<b>1 (1)</b>	<b>8 (7)</b>	<b>24 (24)</b>

Note: there was one appeal under the *Wildlife Act* which had been closed at the start of 2024, but which returned to active status after being returned to the Commission following a successful statutory appeal. This is the reason why the numbers in the table above do not balance.

The Commission convened oral hearings on the merits of three appeals in 2024, totaling seven days. One appeal under the *Forest and Range Practices Act* was heard by a hybrid written/oral hearing, with four days of oral hearing. One appeal under the *Range Act* was heard by a hybrid written/oral hearing, with two days of an oral component. One appeal under the *Wildfire Act* was heard by an oral hearing, in part in 2023 and in part in 2024 (where there were two days of oral hearing). All seven of the hearing days took place via videoconferencing.

The Commission did not convene any mediations in 2024.







# Forecast of Workload

**F**rom 2016 to 2022, the Commission received 5 to 19 appeals per year. Appeal volumes were on the lower end of the range in 2020 and 2021 but increased to a higher level in 2022 and 2023. Appeal volumes returned to lower levels in 2024. The Commission expects to continue to receive appeals at a rate similar to recent years in 2025, likely between 10 and 15 appeals.

## Forecast of Trends and Special Problems

**T**he 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.

## Surveys

**T**he Commission did not undertake any surveys in 2024, having completed a survey in 2020 as part of its service delivery realignment project. The Commission is still working to update procedures and processes in response to that survey and other information gained in the service delivery realignment project.

# Plans for Improving Commission Operations

The Commission will continue and prioritize its service delivery realignment in 2025. Based on feedback the Commission has received from stakeholders, its 2020 survey of historical system-users, and its engagement with Indigenous partners, the Commission is reworking its appeal processes to focus on several objectives:

- advancing reconciliation,
- ensuring better preparation of parties to present evidence and participate in hearings,
- improving the efficiency of hearings,
- ensuring that self-represented and layperson-represented parties receive appropriate levels of assistance throughout the life of their appeals while maintaining the impartiality of the Commission,
- improving the clarity and responsiveness of the Commission's rules and correspondence,
- ensuring that in-person hearings are offered where feasible and appropriate,
- increasing active case management by the Commission throughout appeals,
- training panels in the consistent and fair application of rules and procedures,
- emphasizing clarity and responsiveness in decision-writing, and
- fostering more professional, respectful, and culturally aware oral hearings.

The Commission will continue to refine its document retention practices, consistent with its new Operational Records Classification System schedule, to improve the public's access to and ability to search appropriate documents.

Lastly, the Commission will prepare to relocate its offices, consistent with government priorities to more efficiently use office space.

## Recommended Legislative and Regulatory Amendments

The Commission has no new recommended legislative or regulatory amendments at this time.



# 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 agrologists. 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 January 1, 2025, as well as changes in membership during 2024.

## Members of the Forest Appeals Commission with Special Duties as of January 1, 2025

Name	End of Term
Darrell Brian Le Houillier (Chair)	July 29, 2027
David M. Bird (Vice Chair)	December 31, 2028
Cynthia Fane Lu (Vice Chair)	July 6, 2028

## Members of the Forest Appeals Commission, as of January 1, 2025

Name	End of Term
Maureen Baird, K.C.	December 31, 2026
James Carwana	December 24, 2026
Subodh Chandra	December 31, 2026
Jeffrey Hand	December 31, 2025
Kuo-Ching (Gary) Lin	December 31, 2026
Linda Michaluk	December 31, 2026
Ian Miller	December 31, 2026

Name	End of Term
Nancy Kae Moloney	July 6, 2026
Bijan Pourkarimi	December 31, 2026
Daphne Stancil	December 31, 2025
R. Michael Tourigny	December 31, 2025
Diana Valiela	December 31, 2026
Reginald Whiten	December 31, 2025

## New and Former Members of the Forest Appeals Commission

Name	Start of Term
John Kehinde Atoyebi	July 6, 2024
Nancy Kae Moloney	July 6, 2024

Name	End of Term
John Kehinde Atoyebi	July 22, 2024
Shannon Bentley	December 31, 2024

One member's circumstances warrants further explanation. In early 2024, Mr. Atoyebi applied to be appointed as a member of the Environmental Appeal Board. While Cabinet was considering my recommendation that he be appointed, Mr. Atoyebi began working for the Office of the Ombudsperson. Unfortunately, given the respective functions of the Ombudsperson's Office and the Commission, Mr. Atoyebi could not simultaneously work for both organizations. Shortly after receiving the news of his appointment to the Commission, which was delayed by staff holidays, Mr. Atoyebi resigned his position. He did not complete any training or perform any work for the Commission during his brief appointment.

# 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 Energy Resource Appeal Tribunal, and the Skilled Trades BC Appeal Board. These shared resources include registry services, systems support, financial and administrative services, professional development, and communications support, as well as, between the Environmental Appeal Board, Commission, and Energy Resource Appeal Tribunal, legal advice and research 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 runs from April 1 to March 31.

With these limitations in mind, I have provided a summary of the Commission’s direct expenses in 2024 and historically. The figures below do not account for several heads of expenditure, including some staff salaries and benefits. The following table summarizes the Commission’s expenditures, rounded to the nearest dollar. Figures are provided based on a five-year average, the 2023-2024 fiscal year, and the 2024 portion of the 2024-2025 fiscal year.

Area of Expenditure	Fiscal Years 2019/20-2023/24 Average	Fiscal Year 2023/24	Fiscal Year 2024/25 April 1 to December 31, 2024
Staff Salaries and Benefits	\$40,915	\$0	\$0
Member Fees and Expenses	101,492	207,884	90,849
Professional Services	27,567	80,912	17,397
Information Systems	11,178	11,428	1,071
Office and Venue Expenses	3,769	1,647	0
Annual Report Publication	2,287	698	720
<b>TOTAL</b>	<b>\$187,208</b>	<b>\$302,569</b>	<b>\$110,037</b>

Despite relatively modest expenditures from April 1 to December 31, 2024, the Commission is projected to exceed its average expenditures over the previous five fiscal years. This results from the ongoing complexity of appeals dealt with by the Commission and from the Commission’s obligation to fund a staff position in the 2024/25 fiscal year, due to the proportion of work for which it is responsible in the cluster in which it operates.





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