



# Forest Appeals Commission

**Annual Report  
2025**





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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 Forest Appeals Commission's 2025 Annual Report.

Yours truly,

A handwritten signature in green ink that reads "D. Le Houillier". The signature is written in a cursive style.

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 2025 Annual Report.

The Commission's core business is resolving appeals. Five new appeals, each arising from a separate statutory decision, were filed with the Commission in 2025. This is lower than recent years. The Commission closed eight appeals in 2025. This resulted in a reduction in the Commission's appeal inventory, from 24 to 21 appeals. The average age of appeals rose from 577 days to roughly 798 days. While the Commission had expected to resolve its oldest appeals in 2025 and projected a corresponding reduction in the average age of appeals heading into 2025, those appeals were not resolved within the reporting period. They are expected to be resolved in 2026.

The factual and legal complexity of the appeals heard by the Commission 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the appeals closed in 2025, most (62.5%) were decided on the merits, while two were summarily dismissed and another was withdrawn. The appeal process took, on average, 689 days to complete (a slight decrease from the 715-day average in 2024, the 692-day average in 2023, but an increase from the 682-day average since 2021).

Appeals resolved by a decision on the merits took, on average, 813 days from the time the appeal was filed (an increase from the 761-day average in 2024 and the 767-day average in 2023, as well as the average time to resolve appeals on their merits since 2021: 641 days). Of this time, panels took an average of 281 days to complete decisions after all evidence and submissions were received.

Appeals without a hearing resolved, on average, in 483 days (a decrease from the 533-day average in 2024 and the 647-day average in 2023 but an increase from the 456-day average since 2021). The Commission expects the time needed to resolve appeals to increase in 2026 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 2025 and is being prioritized in 2026. 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 also followed core government strategy in 2025 by relocating its office into a shared space with other administrative tribunals. This will result in a more efficient use of office space and greater efficiency in the use of government resources.

Plans to review and update the Commission's website had to be delayed to 2026. The Commission looks forward to further modernizing the website and improving communication of information to the public.

The Commission's expenditures in the 2024/2025 fiscal year totalled roughly \$245,500, which exceeds the five-year average preceding this reporting period (roughly \$210,900). Expenditures from April 1 to December 31, 2025, totalled roughly \$64,000, although the Commission is projected to again exceed its recent average annual expenditures in the 2025/2026 fiscal year. This reflects the number of and complexity of appeals and associated staffing requirements for the Commission.



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 the 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.

Published decisions of 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 must 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 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 that decision 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; and
  - 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; and
  - 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

- 
- 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

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In 2025, the appeal process took, on average, 689 days to complete. This was shorter than the averages from 2024 (715 days) and 2023 (692 days). Appeals involving a hearing and decision on the merits took an average of 813 days, continuing a trend of generally increasing time for resolution (up from 761 days in 2024, 767 days in 2023, and 423 days in 2022 and 644 days in 2021). Appeals decided on the merits involved an average of 532 days of pre-hearing and hearing processes (up from 496 days in 2024 but down from 617 days in 2023), with a considerable proportion of this time related to the insufficiency of resources to assign panels to decide appeals. Appeals decided on the merits averaged 281 days between the end of the hearing and issuance of the decision (up from 208 days in 2024 and 150 days in 2023, largely related to one appeal).

Where appeals were resolved without a decision on the merits (for example, by withdrawal or consent order), the average was 483 days. This was in keeping with times for the resolution of appeals without a decision on the merits over the past five years, with averages ranging from 145 days in 2022 to 647 days in 2023.

The Commission expected a more significant increase of appeal resolution times in 2025, but that did not materialize. The oldest appeals in the Commission's appeal inventory are expected to be completed in 2026, meaning that a more significant increase in processing time for appeals is projected for 2026. Based on current funding levels, ongoing delays to resolve appeals are expected. Based on available resources, the Commission is now looking to schedule hearings into the 2028/2029 fiscal year.

The average age of an appeal in the Commission's appeal inventory rose from 577 days on January 1, 2025, to 799 days on January 1, 2026. This concerning metric is expected to continue to rise for the foreseeable future, given resource constraints.

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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

## *British Columbia v. Lemare Lake Logging Ltd. and Lions Gate Forest Products Ltd.*

The Commission allowed an appeal by Lemare Lake Logging Ltd. and Lions Gate Forest Products Ltd., two related forestry companies that, while being authorized to cut and remove Crown timber from certain areas, also cut and removed Crown timber without authorization. An administrative penalty was levied against the companies. On appeal, the Commission concluded that the companies were duly diligent in avoiding the contravention and accordingly rescinded the penalty.

The Province filed judicial review and statutory appeal proceedings in respect of the Commission's decision. In court, the Commission's submissions focused on the appropriateness of simultaneously advancing both proceedings. The hearing took place in April 2025 but the Court did not issue a decision during the reporting period.

## *0793663 BC Ltd. v. His Majesty the King in Right of British Columbia and Forest Appeals Commission*

This case involved an appeal from a company, against which the Province had levied four administrative penalties related to the adequacy of maintenance on a logging road and, subsequently, inadequate draining resulting in a portion of the road washing out.

The Commission concluded that two of the penalties were duplicative and reduced the amount of the penalty from \$110,000 to \$60,000. Subsequently, the Province informed the Commission that it had confused two penalty amounts. The Commission agreed and corrected its decision, adjusting the reduced penalty from \$60,000 to \$80,000.

The company filed a judicial review, arguing that the Commission's correction was unfair and was beyond the Commission's jurisdiction. The company did not file a statutory appeal, despite the fact that the *Forest and Range Practices Act* contemplates questions of law arising from Commission decisions being raised in statutory appeals.

The Commission's participation in the judicial review focuses on the appropriateness of that process in the context of this case. A hearing is not scheduled until 2026.

# Applications and Appeals in 2025

While the Commission is responsible for considering appeals on a broad range of subjects, the appeals that were active in 2025 represent a relatively narrow focus: one was filed under the *Forest and Range Practices Act*, one under the *Forest Act*, and three under the *Wildfire Act*.

The appeal filed under the *Forest and Range Practices Act* involved a penalty decision made under Part 6: Compliance and Enforcement. It also included findings of contraventions under Part 3 (Forest Practices) and Part 5 (Protection of Resources).

The appeal filed under the *Forest Act* was filed without jurisdiction and was dismissed for that reason.

The three appeals brought under the *Wildfire Act* in 2025 all were from decisions under Part 3: Administrative Remedies and Cost Recovery. These decisions also included findings of noncompliance with Part 1: Forest and Range Protection Requirements, while two also included findings of noncompliance with the *Wildfire Regulation*.

The table below summarizes the number of appeals in the Commission’s inventory at the start of 2025, filed in 2025, and completed in 2025. 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 2025)	New Appeals in 2025	Matters Resolved via...				Inventory (End of 2025)
			Rejection or Dismissal	Abandonment or Withdraw	Consent Orders	Final Decisions	
<b>Forest Act</b>	0	1 (1)	1 (1)	0	0	0	0
<b>Forest and Range Practices Act</b>	14 (14)	1 (1)	1 (1)	0	0	5 (5)	9 (9)
<b>Private Managed Forest Land Act (Part 5: Compliance &amp; Enforcement)</b>	0	0	0	0	0	0	0
<b>Range Act</b>	1 (1)	0	0	0	0	0	1 (1)
<b>Wildfire Act</b>	9 (9)	3 (3)	0	1 (1)	0	0	11 (11)
<b>TOTAL</b>	<b>24 (24)</b>	<b>5 (5)</b>	<b>2 (2)</b>	<b>1 (1)</b>	<b>0</b>	<b>5 (5)</b>	<b>21 (21)</b>

The Commission convened oral hearings on the merits of one appeal in 2025, totaling two days. This oral hearing was held with respect to an appeal under the *Forest and Range Practices Act* was held electronically. Another hearing scheduled in the fall had to be postponed to 2026 because of strike actions affecting government workers.

The Commission also convened two days of mediation for two joined appeals under the *Wildfire Act*. Despite mediation efforts, the appeals proceeded to a hearing on the merits.



# Forecast of Workload

**F**rom 2016 to 2022, the Commission received five 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 and 2025. The Commission expects to continue to receive appeals at a rate similar to recent years in 2025, likely between five and 10 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 2025, 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 2026. 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 also aims to review and update its website in 2026.

## 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 December 31, 2025, as well as changes in membership during 2025.

## Members of the Forest Appeals Commission with Special Duties as of December 31, 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 December 31, 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, 2028
Kuo-Ching (Gary) Lin	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, 2027
Norman Tarnow	December 31, 2027
R. Michael Tourigny	December 31, 2028
Diana Valiela	December 31, 2026

## New and Former Members of the Forest Appeals Commission

Name	Start of Term
Stacy Robertson	March 11, 2025

Name	End of Term
Stacy Robertson	October 23, 2025
Linda Michaluk	November 21, 2025
Reginald Whiten	December 31, 2025

# 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. The Commission also shares resources pertaining to legal advice and research with the Environmental Appeal Board and the Energy Resource Appeal Tribunal.

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 2025 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 2024/2025 fiscal year, and the 2025 portion of the 2025/2026 fiscal year.

Area of Expenditure	Fiscal Years 2020/21-2024/25 Average	Fiscal Year 2024/25	Fiscal Year 2025/26 April 1 to December 31, 2025
Staff Salaries and Benefits	\$61,758	\$104,215	\$0
Member Fees and Expenses	105,502	110,824	51,414
Professional Services	29,716	20,152	10,636
Information Systems	10,640	8,735	1,071
Office and Venue Expenses	2,037	926	0
Annual Report Publication	1,272	720	765
<b>TOTAL</b>	<b>\$210,925</b>	<b>\$245,572</b>	<b>\$63,886</b>

Despite relatively modest expenditures from April 1 to December 31, 2025, 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 on an ongoing basis, due to the proportion of work for which it is responsible in the cluster in which it operates.



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