

FOREST APPEALS COMMISSION

HOW TO START AN APPEAL under the *FOREST ACT*

This information sheet provides an overview of the process for commencing an appeal under the *Forest Act*. If you have legal questions regarding an appeal, you should contact a lawyer.

What decisions may be appealed?

The Commission hears appeals from certain determinations, orders or decisions, including stumpage determinations. In some cases, the determination, order or decision must have been reviewed by the Ministry of Forests and Range before it may be appealed to the Commission. See [section 146 of the *Forest Act*](#).

Who may commence an appeal?

The person who is the subject of the determination, order or decision, or in respect of whose agreement the determination, order or decision was made, may appeal.

How do I appeal?

To start an appeal, you must deliver a notice of appeal to the Commission's office within 3 weeks of receiving the determination, order or decision (or the review decision if a review was required) you wish to appeal (Commission's address below). There is no special form for the notice of appeal but it **MUST**

- be in writing, and
- be signed by the person appealing, or that person's lawyer or other agent.

In addition, the notice of appeal **MUST** include the following:

1. the name, address and phone number of the person appealing, along with the name, address and phone number of anyone representing him or her (e.g., lawyer or agent);
2. the address to which all official letters and documents are to be sent, and a fax number if available;
3. the grounds for appeal (what is wrong with the decision);
4. a description of the relief requested (what decision do you want the Commission to make); and
5. a copy of the decision being appealed.

The notice of appeal may be "served" on the Commission by mail, courier or hand delivered by leaving a copy of the notice of appeal at the Commission office during normal business hours (8:30 am – 4:30 pm, Monday through Friday, excluding public holidays). The Commission will also accept a notice of appeal by facsimile.

What happens if the notice of appeal is filed outside of the 3-week appeal deadline?

The Commission has the power to extend the deadline for filing a notice of appeal either before or after its expiry. This is not done automatically and you should provide reasons for the late filing in your notice of appeal.

What happens if the notice of appeal is not complete?

The Commission will send a letter explaining the deficiencies in the notice of appeal. Until they are corrected, the Commission is not obliged to proceed with the appeal.