

FOREST APPEALS COMMISSION

HOW TO START AN APPEAL under the *WILDFIRE ACT*

This information sheet provides an overview of the process for commencing an appeal under the *Wildfire 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 types of orders, or the decision made after a review of such an order. See [section 39 of the *Wildfire Act*](#).

Who may commence an appeal?

The Forest Practices Board and/or the person who is the subject of the order or review decision may appeal.

How do I appeal?

To start an appeal, you must deliver a notice of appeal to the Commission's office no later than 3 weeks after receiving the order, the corrected order or the review decision, whichever occurs latest (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 "delivered" 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.