



Forest Appeals Commission

Fourth Floor 747 Fort Street
Victoria British Columbia
Telephone: (250) 387-3464
Facsimile: (250) 356-9923

Mailing Address:
PO Box 9425 Stn Prov Govt
Victoria BC V8W 9V1

APPEAL NO. 96/06

In the matter of an appeal under section 131 of the *Forest Practices Code of British Columbia*, S.B.C. 1994, c. 41.

BETWEEN:	Houston Forest Products Company	APPELLANT
AND:	Government of British Columbia	RESPONDENT
AND:	Forest Practices Board	THIRD PARTY

CONSENT ORDER

On January 22, 1996 the Appellant filed an appeal against an October 16, 1995 determination made by Jim Guido, Acting District Manager as varied by a January 3, 1996 Administrative Review by Tony Buckley finding that the Appellant had contravened Section 45 (1) of the *Forest Practices Code of British Columbia Act* by causing damage to the environment. The matter was set down for hearing on July 23, 1996.

On July 5, 1996 the Appellant notified the Commission that the Appellant and the Respondent wished to make a joint submission to the Commission that the section 45 (1) contravention be rescinded. The Appellant and Respondent further requested an adjournment of the July 23, 1996 hearing date so that they could discuss the joint submission with the Third Party.

By letter dated July 9, 1996, the Commission granted the adjournment and requested that the parties advise the Commission by not later than August 9, 1996, whether the Third Party wished to be included in the joint submission to the Commission.

By letters dated August 9, September 10 and September 18, 1996 the Third Party advised the Commission that it was involved in continuing discussions with the Appellant and the Respondent regarding the joint submission.

On December 6, 1996 the Commission conducted a pre-hearing conference with the parties in an effort to assist them to reach a resolution of the matter without the need for a full hearing. As a result of that pre-hearing conference it was agreed that the Third Party would notify the Commission by

not later than January 31, 1997 if it would take a position regarding the proposed resolution of the matter.

On January 30, 1997 the Third Party advised the Commission that it would take no position with respect to the proposed joint submission.

On February 14, 1997 and prior to this matter coming on for a full hearing the Appellant and the Respondent made the attached joint submission to the Commission requesting that the Section 45 (1) contravention be rescinded.

Accordingly, the Commission orders by consent of the parties that:

- **The finding of a contravention by the Appellant of Section 45 (1) of the *Forest Practices Code of British Columbia Act* in the Remediation Order dated October 16, 1995 by Jim Guido, Acting District Manager and subsequently varied by a January 3, 1996, Administrative Review by Tony Buckley is, hereby, rescinded.**
- **The determination that the Appellant contravened section 68 (1) of the Code and the resulting Remediation Order are not before the Commission, thus, no order is made in that regard.**

Dated at Victoria, British Columbia, this 21th day of FEBRUARY, 1997.

Toby Vigod, Chair
Forest Appeals Commission

Att.

**IN THE MATTER OF AN APPEAL
TO THE FOREST APPEALS COMMISSION**

**RE: HOUSTON FOREST PRODUCTS COMPANY V. REMEDIATION
ORDER MADE BY JIM GUIDO, ACTING DISTRICT MANAGER,
DATED OCTOBER 16, 1995 AS VARIED BY THE JANUARY 3, 1996
ADMINISTRATIVE REVIEW BY TONY BUCKLEY PURSUANT TO
THE *FOREST PRACTICES CODE OF BRITISH COLUMBL4 ACT*
(MINISTRY OF FORESTS FILE: DMO 96-0019)**

BETWEEN:

HOUSTON FOREST PRODUCTS LTD.

APPELLANT

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF THE
PROVINCE OF BRITISH COLUMBIA AS REPRESENTED
BY THE MINISTRY OF FORESTS ("the Government")**

RESPONDENT

JOINT SUBMISSION

IN THE MATTER OF AN APPEAL
TO THE FOREST APPEALS COMMISSION

**RE: HOUSTON FOREST PRODUCTS COMPANY V. REMEDIATION
ORDER MADE BY JIM GUIDO, ACTING DISTRICT MANAGER,
DATED OCTOBER 16, 1995 AS VARIED BY THE JANUARY 3,
1996 ADMINISTRATIVE REVIEW BY TONY BUCKLEY
PURSUANT TO THE FOREST PRACTICES CODE OF BRITISH
COLUMBIA ACT (MINISTRY OF FOREST FILE: DMO 96-
0019)**

BETWEEN:

HOUSTON FOREST PRODUCTS LTD.

APPELLANT

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH
COLUMBIA AS REPRESENTED BY THE MINISTRY OF FORESTS ("the
Government)

RESPONDENT

AND:

THE FOREST PRACTICES BOARD

**JOINT SUBMISSION ON BEHALF OF
THE APPELLANT AND THE GOVERNMENT**

1. Following a review and discussion of the facts of this case, the Appellant and the Government agree that there was insufficient evidence to support the conclusion that there had been damage to the environment.

2. Consequently, the Appellant and the Government jointly request that the Forest Appeals Commission vary the determination to delete the finding that the Appellant contravened section 45(1) of the *Forest Practices Code of British Columbia Act*. The determination that the Appellant contravened section 68(1) of the *Forest Practices Code of British Columbia Act* and the resulting Remediation Order were not at issue on this appeal.

Respectfully submitted this 14th day of February, 1997.

"Original Signed by"
Daniel R. Bennett
Counsel to the Appellant

"Original Signed by"
Dawn L. House,
Counsel to the Government

DB/475322