



Click on the links to see the decision finally issued by the Review Panel or the Forest Appeals Commission. Note that all the Forest Appeals Commission's decisions can also be found at their [website](#). The Commission website includes cases with which the Board has not been involved.

<b>2014</b>	<b>2007</b>	<b>2000</b>
<b>2013</b>	<b>2006</b>	<b>1999</b>
<b>2012</b>	<b>2005</b>	<b>1998</b>
<b>2011</b>	<b>2004</b>	<b>1997</b>
<b>2010</b>	<b>2003</b>	<b>1996</b>
<b>2009</b>	<b>2002</b>	<b>1995</b>
<b>2008</b>	<b>2001</b>	

## **2014**

### **Stella-Jones Canada Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

2014-FRP-001

This appeal relates to a decision rejecting Stella-Jones Canada Ltd.'s free growing declaration. The decision-maker found the survey evidence to be contradictory and, for this reason, could not decide with certainty whether a free growing stand had been achieved. The decision-maker rejected the declaration but said that he would conduct his own survey before making a final decision. The Board is taking the position that a decision-maker should be able to conduct a survey if one is needed to resolve uncertainty and make the best forest management decision.

Consent order: [http://www.fac.gov.bc.ca/forestAndRange/2014frp001a\\_consent\\_order.pdf](http://www.fac.gov.bc.ca/forestAndRange/2014frp001a_consent_order.pdf)

## **2013**

### **Forest Practices Board v. Government of British Columbia**

Third Party: Douglas Lake Cattle Company

2013-FRP-002

The district manager determined that Douglas Lake Cattle Company harvested and removed timber without authority, and did not inform its contractor of the boundaries of the private land adjoining Crown land. However, the district manager found that the Company did not contravene FRPA as it succeeded in proving the defence of due diligence. The Board is taking the position that the Company was not duly diligent because it did not take reasonable care to inform its logging contractor of the boundaries of private land, or in overseeing its contractor's activities, in a manner commensurate with the resource values at risk.

Appeal allowed: <http://www.fac.gov.bc.ca/forestAndRange/2013frp002a.pdf>

## **Interior Roads Ltd. and Blacklock v. Government of British Columbia**

Third Party: Forest Practices Board

2013-WFA-G01

These two appeals relate to a fire centre manager's decision that Wayne Blacklock and Interior Roads Ltd. contravened the *Wildfire Act* and Wildfire regulation. Mr. Blacklock, a contractor for Interior Roads Ltd., was found to have caused a fire while mowing the roadside. The manager apportioned the government's costs of fire control 60 percent to Mr. Blacklock and 40 percent to Interior Roads Ltd. The Board is taking the position that the *Wildfire Act* should be interpreted as giving the minister the discretion to decide how much of the government's costs of fire control a person should be required to pay.

Board withdrew as a party and an order was consented to by other parties:

[http://www.fac.gov.bc.ca/wildfireAct/2013wfa001\\_002\\_consent\\_order.pdf](http://www.fac.gov.bc.ca/wildfireAct/2013wfa001_002_consent_order.pdf)

## **2012**

### **West Fraser Mills Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

2012-FRP-003

An appeal of a determination finding that West Fraser Mills contravened FRPA by failing to achieve a visual quality objective near Bowron Lakes Provincial Park. The appeal centres on the due diligence defence and seeks to revisit issues canvassed in the BC Supreme Court decision in Pope and Talbot, to which the Board was a party. These issues include what role foreseeability has in the due diligence analysis and the importance of foreseeability of the precise cause of the problem – in this case, according to West Fraser, the human error in the visual impact assessment.

Appeal withdrawn.

### **Babine Forest Products Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

2012-FRP-006

The appeal relates to a district manager's decision to refuse to approve Babine's forest stewardship plan amendment that proposed a result or strategy for the visual quality objective for an area visible from Babine Lake. The district manager refused to approve the amendment because it did not meet the legal approval test. Babine claimed that the test was wrongly applied. The Board took the position that the district manager's decision was correct because the proposed result or strategy did not conform to the legal definitions, which say it must be measurable or verifiable. During a recess at the hearing of the appeal, Babine and the government agreed to a settlement by revising the result or strategy to make it more measurable and verifiable. The Board concluded that the revisions did not go far enough but, rather than object to the settlement, the Board withdrew from the appeal.

Consent order: <http://www.fac.gov.bc.ca/forestAndRange/2011for006a.pdf>

### **Robert Unger v. Government of British Columbia**

Third Party: Forest Practices Board

In 2012, the Board joined an appeal relating to a wildfire that escaped from private land to Crown land. A government official ordered the landowner to pay the government's fire-control costs of \$861,356.06. At issue for the Board was the scope of the manager's authority to make such an order. The manager decided that his authority was limited to ordering the owner to pay all of the costs or none of the costs. The Board seeks to encourage fair and equitable application of legislation and in this case, the Board was concerned that the manager's "all or nothing" interpretation could lead to unfair costs orders in some situations. The Board argued that managers have the discretion to order payment of something less than the full costs of fire control, in appropriate circumstances.

In December 2014, the Forest Appeals Commission denied the individual's appeal, but agreed with the Board on the interpretation point, saying: "Had this Panel decided to order less than the full amount of fire-control costs, this Panel would not have hesitated to do so, mainly as a common sense interpretation of the Wildfire Regulation based on the arguments put forward by the Forest Practices Board."

In January 2015, Mr. Unger appealed the FAC decision to the BC Supreme Court. In December 2015 the government and Mr. Unger reached a settlement and the appeal was abandoned.

## 2011

### **Charles E. Kucera v. Government of British Columbia**

Third Party: Forest Practices Board

In this case the Forest and Range Practices Act authorizes a decision-maker to order a licensee to carry out work that is reasonably necessary to remedy a contravention. At issue is whether the order made to achieve the stocking requirements specified in a site plan for a woodlot was reasonably necessary.

Board concluded, after further analysis, that the district manager was correct, and withdrew from appeal

### **Forest Practices Board v. Government of British Columbia**

Third Party: Murray McLean

This appeal was initiated by the Board to take issue with a penalty determination against a woodlot licensee for failing to achieve free to grow. The reasons given for not levying a penalty were inadequate because they did not discuss why the contravention was found to be trifling and whether or not it was in the public interest to levy a penalty, even though the contravention was considered significant and deliberate.

Appeal withdrawn as the government agreed to distribute guidance to decision-makers on the importance of giving reasons for decision.

## 2010

### **Atco Wood Products Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

2010-FOR-001(a)

Section 57 the *Forest Planning and Practices Regulation* requires licensees to carry out practices "at a time and in a manner that is unlikely to harm fish or destroy, damage or harmfully alter fish habitat". This appeal also concerns the appropriate legal test for due diligence.

Appeal allowed: <http://www.fac.gov.bc.ca/forestAndRange/2010for001a.pdf>

## 2009

### **Tembec Enterprises Inc. v. Government of British Columbia**

Third Party: Forest Practices Board

2008-FOR-011(a)

The appeal issue was whether due diligence and reasonable reliance on professionals in regard to a landslide across a road and into a stream due to poor culvert locations and lack of water control structures.

Appeal allowed: <http://www.fac.gov.bc.ca/forestPracCode/2008for011a.pdf>

## **Gorman Bros. Lumber Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

2009-WFA-001(a)

Testing "results-based" legislation that specifies a result, but does not prescribe details such as lists of required practices or equipment. In this appeal, the specific context is whether the appellant had an "adequate fire suppression system" for the circumstances.

Appeal granted and original determination rescinded, by consent:

<http://www.fac.gov.bc.ca/wildfireAct/2009wfa001a.pdf>

## **Solana Consulting and Investment Corp. v. Government of British Columbia**

Third Party: Forest Practices Board

2009-WFA-003(a)

The appeal issue was in regards to the meaning of "adequate fire suppression system", due diligence, whether the penalty was appropriate in the circumstances.

Appeal agreed to by consent due to original determination having been made after the expiry of the limitation period.

Consent order: <http://www.fac.gov.bc.ca/wildfireAct/2009wfa003a.pdf>

## **2008**

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

Third Party: Forest Practices Board

2008-FOR-001(a) and 2008-FOR-002(a)

The appeal issue was in regards to whether a licensee with road maintenance obligations would be required to replace an old, deteriorated minor culvert with an expensive permanent bridge.

Settled without appeal. Consent order: [http://www.fac.gov.bc.ca/forestPracCode/2008for001\\_002a.pdf](http://www.fac.gov.bc.ca/forestPracCode/2008for001_002a.pdf)

## **Canadian National Railway v. Government of British Columbia**

Third Party: Forest Practices Board

The appeal issue was in regards to whether a company, whose high risk activities during a fire danger period, caused a wildfire should pay compensation only for lost timber values or also for loss of non-timber resources.

Board withdrew from appeal given no evidence of high non-timber values in the burned area.

## **Allison Logging v. Government of British Columbia**

Third Party: Forest Practices Board

Testing "results-based" legislation that specifies a result but does not prescribe details, such as lists of of required practices or equipment. In this appeal, the specific context is whether the appellant had an "adequate fire suppression system" for the circumstances.

The appeal was withdrawn by the appellant following a settlement agreement between the appellant and the respondent.

## 2007

### **Kucera Enforcement v. Government of British Columbia**

Third Party: Forest Practices Board

The appeal issue was in regards to whether a woodlot licensee should be penalized for undertaking forest practices which, although sound forest management, were not authorized by government.

Settled without appeal.

## 2005

### **Pope and Talbot Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

2005-FOR-004(b)

The appeal issue was in regards to the degree of diligence that is required to succeed with the due diligence defence, given a complex silviculture prescription in a special management zone for caribou.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2005for004a.pdf>

BC Supreme Court Decision - <http://www.canlii.org/en/bc/bcsc/doc/2009/2009bcsc1715/2009bcsc1715.html>

### **Ronald Edward Hegel and 449970 B.C. Ltd. v. Government of British Columbia & Forest Appeals Commission**

Third Party: Forest Practices Board

The Board intervened in this appeal to the BC Court of Appeal. The appeal arises from a decision of the Forest Appeals Commission concerning mistake of fact and due diligence. In the course of harvesting timber on private land, the appellants were found to have crossed onto Crown land and harvested Crown timber without authorization.

Appeal dismissed - <http://www.courts.gov.bc.ca/jdb-txt/CA/11/04/2011BCCA0446.htm>

### **Darren Smurthwaite v. Government of British Columbia**

Third Party: Forest Practices Board

2005-FOR-015(a)

The appeal issue was in regards to when a director or officer of a licensee company is liable for a contravention by the licensee. Size of penalty for irreparable damage to karst (limestone) features.

Appeal allowed: <http://www.fac.gov.bc.ca/forestPracCode/2005for015a.pdf>

There must be a finding of contravention by a company before its director can be liable for a penalty, and there must be full procedural fairness to both the company and the director. Commission did not deal with size of penalty for irreparable damage to karst.

## 2004

### **Weyerhaeuser Company Limited v. Government of British Columbia**

Third Party: Forest Practices Board

2004-FOR-004(a)

The appeal issue was in regards to whether the licensee could, after clearcutting, deny that a cutblock required retention for deer winter range.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2004for004a.pdf>

Settled by consent order November 10, 2004.

### **Weyerhaeuser Company Limited v. Government of British Columbia**

Third Party: Forest Practices Board Intervenor: Sierra Club of Canada

2004-FOR-005(b)

The appeal issue was in regards to whether the licensee took adequate steps to ensure that a contractor passed on directions on cutblock boundaries to a machine operator. Also, whether the licensee can use the defence of due diligence to avoid contravention in cutting 200 metre swath of timber outside the block.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2004for005a.pdf>

### **Marilyn Abram v. Government of British Columbia**

Third Party: Forest Practices Board

2004-FOR-013 (a)

The appeal issue was in regards to whether in order to impose an administrative penalty, government must prove that the licensee, beyond a reasonable doubt, was the one who cut wood without permission, or just that it was more likely to have been the licensee than not.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2004for013a.pdf>

Appeal dismissed; standard of proof balance of probabilities.

## **2003**

### **Steve Noel v. Government of British Columbia**

Third Party: Forest Practices Board

2002-FOR-010(a)

The appeal issue was in regards to whether or not the appellant cutting in the wrong location was an officially induced error.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2002for010a.pdf>

### **Kalesnikoff Lumber Co. v. Government of British Columbia**

Third Party: Forest Practices Board

Intervenors: Interior Lumber Manufacturers Assoc., COFI and Coast Forest and Lumber Assoc.

2003-FOR-005(a) and 2003-FOR-066(a)

The appeal issue was in regards to whether the risk of road construction causing four landslides was foreseeable and, if so, whether the licensee exercised sufficient care to avoid causing them.

FAC Decision - [http://www.fac.gov.bc.ca/forestPracCode/2003for005a\\_006a.pdf](http://www.fac.gov.bc.ca/forestPracCode/2003for005a_006a.pdf)

The Commission found that the licensee's road construction complied with the legal requirements, so the amount of diligence applied or required did not have to be considered.

### **Estate of Benjamin Bolen v. Government of British Columbia**

Third Party: Forest Practices Board

2003-FOR-004(a)

The appeal issue was in regards to whether a fine of \$500 imposed on the appellant for overgrazing Crown range was appropriate, given many extenuating circumstances.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2003for004a.pdf>

*Commission confirms contravention but reduces penalty to reflect remedial works.*

## **Forest Practices Board and Robert Cork v. Government of British Columbia**

2003-FOR-007(a) and 2003-FOR-008(a)

The appeal issue was in regards to whether the licensee committed an officially induced error when he cut trees that were to be retained.

FAC Decision - [http://www.fac.gov.bc.ca/forestPracCode/2003for007a\\_008a.pdf](http://www.fac.gov.bc.ca/forestPracCode/2003for007a_008a.pdf)

*Consent order confirming contravention and increasing penalty.*

## **2002**

### **Allan Therrien v. Government of British Columbia**

Third Party: Forest Practices Board

2002-FOR-004

The appeal issue was in regards to whether or not trespass contravention require that the person knowingly trespassed.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2002for004.pdf>

Commission confirms the District Manager's determination; appeal is dismissed.

### **Forest Practices Board v. Government of British Columbia**

Third Party: Western Forest Products Ltd.

The appeal issue was in regards to when should Stopwork Orders be rescinded.

Forest Appeals Commission issued a Consent Order with attached joint submissions on November 21, 2002.

### **Weyerhaeuser Company Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

2002-FOR-007(a)

The appeal issue was in regards to what is the limitation period (deadline) for enforcement of Code penalties.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2002for007a.pdf>

Commission rescinds two penalties as imposed after limitation period, but upholds the findings of contraventions.

## **2001**

### **Rodney and Linda Gilbert v. Government of British Columbia**

Third Party: Forest Practices Board

2001-FOR-001

The appeal issue was in regards to whether the vicarious liability of non-licensees: sections 96(3) and 117(2).

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2001for001.pdf>

BC Supreme Court Decision - <http://www.courts.gov.bc.ca/jdb-txt/sc/02/09/2002bcsc0950.htm>

### **Forest Practices Board v. Government of British Columbia**

Third Party: Zeidler Forest Industries Ltd.

2001-FOR-002

The appeal issue was in regards to whether the penalty should reflect the stumpage allowance the contractor got for repairing the road? How should environmental damage be reflected in the penalty?

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2001for002.pdf>

### **Lloyd Bentley v. Government of British Columbia**

Third Party: Forest Practices Board

2001-FOR-003

The appeal issue was in regards to defence of "officially induced error".

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2001for003.pdf>

Appellant appealed to the BC Supreme Court on other issues, so the Board withdrew from the proceeding.

### **International Forest Products Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

2002-FOR-002

The appeal issue was in regards to marbled murrelets habitat. Marbled murrelets require large areas of old growth forest to reproduce successfully. Populations on the Sunshine Coast area are already severely depleted. Government has decided to manage and conserve marbled murrelets at a broad landscape unit level, but while that is being refined, forest practices are being approved that continue to render forest unsuitable for marbled murrelet nesting.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2002for002.pdf>

### **Forest Practices Board v. Government of British Columbia**

Third Party: Chetwynd Forest Industries

2001-FOR-004(a)

The appeal issue was in regards to fairness and natural justice for contractor.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2001for004a.pdf>

### **Tembec Industries Inc. v. Government of British Columbia**

Third Party: Forest Practices Board

The appeal issue was in regards to the interpretation of s.23 of the *Timber Harvesting Practices Regulation*: does "slash or debris" include mud?

*Appellant, Tembec abandoned appeal.*

## **2000**

### **Slocan Forest Products v. Government of British Columbia**

Third Party: Forest Practices Board

The appeal issue was in regards to due diligence.

*Appeal dismissed with consent of the parties.*



## **Forest Practices Board v. Government of British Columbia**

Third Party: Crestbrook Forest Industries

2000-FOR-005

The appeal issue was in regards to pushover logging, achieving results; soil conservation – silviculture prescription for root rot treatment.

Appeal dismissed with consent of the parties. <http://www.fac.gov.bc.ca/forestPracCode/2000for005.pdf>

## **1999**

## **Gloria O'Brien v. Government of British Columbia**

Third Party: Forest Practices Board

1999-FOR-002

The appeal issue was in regards to appropriate legal test for Stopwork orders; failure of review to consider all evidence.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1999for02.pdf>

## **The Pas Lumber Co. Ltd. v. Forest Practices Board**

Third Party: Government of British Columbia

1999-FOR-04

The appeal issue was in regards to penalty assessment.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1999for04.pdf>

## **Forest Practices Board v. Government of British Columbia**

Third Party: Husby Group of Companies and Council of the Haida Nation

2000-FOR-009(a)(b)

The appeal issue was in regards to Marbled Murrelet habitat; the meaning of s. 41(1)(b) of the Code Act; and watershed assessment requirements.

FAC Decisions - <http://www.fac.gov.bc.ca/forestPracCode/2000for009a.pdf>  
<http://www.fac.gov.bc.ca/forestPracCode/2000for009b.pdf>

FAC Decision (watershed assessments issue) - <http://www.fac.gov.bc.ca/forestPracCode/2000for009c.pdf>

Commission majority upheld the approval of 17 cutblocks in one area in an FDP without the benefit of a watershed assessment, but rescinded approval of a cutblock in another area that was not consistent with a watershed assessment.

FAC Decision (marbled murrelet habitat issue) - <http://www.fac.gov.bc.ca/forestPracCode/2000for009d.pdf>

Commission majority upheld the approval of 46 cutblocks, but set aside the approvals of 5 cutblocks in the best murrelet habitat because harvesting would result in an unreasonable degree of risk to marbled murrelets.

## **Forest Practices Board v. Government of British Columbia**

Third Party: Takla Development Corporation Ltd.

1999-FOR-05

The appeal issue was in regards to penalty assessment; interpretation of section 117(4)(b) of the Code Act.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1999for05.pdf>

Licensee appealed: Forest Practices Board joined as a party. Licensee argued Government's responsible for contravention.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/2001for006.pdf>

## 1998

### **Safe Enterprises D.L.S. Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

1998-FOR-04

The appeal issue was in regards to penalty assessment—whether non-Code contraventions can be considered.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1998for04.pdf>

### **Tackama Forest Products v. Government of British Columbia**

Third Party: Forest Practices Board

The appeal issue was in regards to subcontract work by a licensee – the natural justice and fairness and due diligence.

*Issue was resolved prior to appeal.*

### **Alan R. Luomo v. Government of British Columbia**

Third Party: Forest Practices Board

1998-FOR-06

The appeal issue was in regards to whether a penalized person's refusal to provide evidence denies a fair hearing?

FAC Decision - [http://www.fac.gov.bc.ca/forestAct/1998for06\\_1998fab04.pdf](http://www.fac.gov.bc.ca/forestAct/1998for06_1998fab04.pdf)

### **Riverside Forest Products Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

1998-FOR-06

The appeal issue was in regards to the relationship between section 45(1) and (2) of the Code Act.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1998for07.pdf>

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

Third Party: Forest Practices Board

1998-FOR-09

The appeal issue was in regards to whether there can be a finding of multiple contraventions for the same incident?

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1998for09.pdf>

## 1997

### **Slocan Forest Products v. Government of British Columbia**

Third Party: Forest Practices Board

1997-FOR-23

The appeal issue was in regards to due diligence and double jeopardy.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1997for23.pdf>

### **Slocan Forest Products v. Government of British Columbia**

Third Party: Forest Practices Board

1997-FOR-22

The appeal issue was in regards to due diligence, multiple contraventions for same incident, officially induced error and needs for reasons.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1997for22.pdf>

### **William Hollis v. Government of British Columbia**

Third Party: Forest Practices Board

1997-FOR-13

The appeal issue was in regards to Section 96(1) – evidence and standard of proof required for administration penalties.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1997for13.pdf>

### **Arnold and Julie Hengstler v. Government of British Columbia**

Third Party: Forest Practices Board

1997-FOR-19

The appeal issue was in regards to whether in defence of officially induced error available.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1997for19.pdf>

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

Third Party: Forest Practices Board

1997-FOR-16

The appeal issue was in regards to the interpretation of “stream”.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1997for16.pdf>

### **Canfor Forest Products v. Government of British Columbia**

Third Party: Forest Practices Board

1997-FOR-30

The appeal issue was in regards to the use of remediation order.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1997for30.pdf>

### **Edward Yaremchuk v. Government of British Columbia**

Third Party: Forest Practices Board

1997-FOR-31

The appeal issue was in regards that the defence of due diligence is not available to the Appellant as a defence to an administrative penalty for a contravention of section 96 of the Code.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1997for31.pdf>

## **1996**

### **Houston Forest Products Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

96/07

The appeal issue was in regards to the validity of Stopwork Order and Remediation Order.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/96-07.pdf>

### **Rustad Bros. & Co. Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

96/08

The appeal issue was in regards to the interpretation of “damage” in section 96.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/96-08.pdf>

### **Pacific Forest Products Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

The appeal issue was in regards to Stopwork Orders.

*The appellant withdrew the appeal.*

### **International Forest Products v. Government of British Columbia**

Third Party: Forest Practices Board Intervenor: Friends of Clayoquot Sound

96/02(b)

The appeal issue was in regards to double jeopardy and quantum of penalty.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/96-02b.pdf>

### **Weldwood of Canada Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

96/03

The appeal issue was in regards to section 51(2)(a) and (b) – resource feature.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/96-03.pdf>

### **Forest Practices Board v. Government of British Columbia**

Third Party: MacMillan Bloedel Ltd. Intervenor: Sierra Club of British Columbia

96/04(b)

The appeal issue was in regards to section 41(1).

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/96-04b.pdf>

### **Lakeland Mills Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

The appeal issue was in regards to standard of proof.

### **Repap British Columbia Inc. v. Government of British Columbia**

Third Party: Forest Practices Board

The appeal issue was in regards to the Charter of Rights; due diligence.

*Appellant withdrew appeal.*

### **Repap British Columbia Inc. v. Government of British Columbia**

Third Party: Forest Practices Board

1997-FOR-02

The appeal issue was in regards to due diligence.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1997for02.pdf>

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

Third Party: Forest Practices Board

1997-FOR-17

The appeal issue was in regards to quantum of penalty.

FAC Decision - <http://www.fac.gov.bc.ca/forestPracCode/1997for17.pdf>

### **Hayes Forest Service Ltd. / TimberWest Forest Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

1997-FOR-07 and 1997-FOR-10

The appeal issue was in regards to MOF policy 16, 10 and double jeopardy.

FAC Decision (Hayes) - <http://www.fac.gov.bc.ca/forestPracCode/1997for07.pdf>

FAC Decision (TimberWest) - <http://www.fac.gov.bc.ca/forestPracCode/1997for10.pdf>

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

Third Party: Forest Practices Board

1997-FOR-03

The appeal issue was in regards to due diligence.

FAC Decision for Hayes - <http://www.fac.gov.bc.ca/forestPracCode/1997for03.pdf>

## **1995**

### **MacMillan Bloedel Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

96/05(b) and 96/05(c)

The appeal issue was in regards to due diligence and quantum of penalty.

FAC Decisions - <http://www.fac.gov.bc.ca/forestPracCode/96-05b.pdf> and

<http://www.fac.gov.bc.ca/forestPracCode/96-05c.pdf>

### **Riverside Forest Products Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

The appeal issue was in regards to the interpretation of "damage to environment" in section 45(1) of the Code; Stopwork Orders.

*Appellant withdrew the appeal.*

### **Tolko Forest Products v. Government of British Columbia**

Third Party: Forest Practices Board

95/02

The appeal issue was in regards to natural justice and bias.

FAC Decisions - <http://www.fac.gov.bc.ca/forestPracCode/95-02.pdf>

### **Kelvin Rauch v. Government of British Columbia**

Third Party: Forest Practices Board

The appeal issue was in regards to Stopwork Orders and section 45 of the Code.

*Appellant withdrew the appeal.*

### **International Forest Products Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

96/12

The appeal issue was in regards to section 11 – *Timber Harvesting Practices Regulation*.

FAC Decisions - <http://www.fac.gov.bc.ca/forestPracCode/96-12.pdf>

### **Houston Forest Products Company v. Government of British Columbia**

Third Party: Forest Practices Board

96/06

The appeal issue was in regards to the interpretation of “damage to environment”.

FAC Decisions - <http://www.fac.gov.bc.ca/forestPracCode/96-06.pdf>

### **TimberWest Forest Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

96/06

The appeal issue was in regards to the whether the defence of due diligence apply to s. 117(2)? Can the Commission consider arguments involving the *Charter of Rights and Freedoms*? Do the determinations under s. 117(2) of the Code violate the *Charter of Rights and Freedoms* by making the appellant liable for the acts of its contractor?

*The Appellant decided to discontinue its appeal to the Forest Appeals Commission.*

### **TimberWest Forest Ltd. v. Government of British Columbia**

Third Party: Forest Practices Board

96/06

The appeal issue was in regards to due diligence.

*Appellant withdrew the appeal.*