



# Environmental Appeal Board

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## How to File an Appeal Under the *Greenhouse Gas Reduction (Renewable and Low Carbon Fuel Requirements) Act*

This information sheet explains how to file an appeal of a decision made under the [Greenhouse Gas Reduction \(Renewable and Low Carbon Fuel Requirements\) Act](#) (the “Act”) with the Environmental Appeal Board (the “Board”). The requirements to file an appeal can be found there, and in [section 22 of the Administrative Tribunals Act](#). The Board has also created [Rule 5](#), which provides details about how appeals can be filed and when the filing is effective.

### What decisions may be appealed?

Those who have been penalized under the *Act* have the right to appeal certain determinations. Those determinations are whether, and to what extent, the penalized person did not comply with requirements listed in sections 11 and 12 of the *Act*.

[Section 11](#) applies where someone fails to accurately report their credits to cover emissions from the fuels they supply, or the emissions that will be released by those fuels. The section is triggered where the person, because of this failure, does not have enough credits to cover the emissions. This can be the basis for an administrative penalty.

[Section 12](#) applies more generally. Where a person contravenes the *Act* or its regulations, an administrative penalty can be imposed.

Also, a fuel supplier can appeal the director’s refusal to accept the fuel supplier’s proposal to differently calculate the carbon intensity for certain fuels under section 6(5)(d)(ii)(B).

### Who may commence an appeal?

A person who is served with a decision referred to above may appeal it.

### How do I appeal?

To start an appeal, you must deliver a notice of appeal to the Board’s office **within 30 days** of being notified of the decision you wish to appeal. A notice of appeal has been created as [Form 1](#). If you do not use Form 1, your notice of appeal **MUST** include:

1. your name, address, and telephone number;
2. the name and daytime/business telephone number of your representative, if you are represented;
3. a postal or email address for delivery of all official letters and documents;

4. information to identify the decision being appealed, such as the name of the decision-maker, the date of the decision, and what the decision is about;
5. a description of why you think the decision should be changed;
6. a description of what result you want from the Board when it decides the appeal;
7. a signature by you or your representative; and
8. a cheque, bank draft or money order for \$25 for each decision being appealed, payable to the Minister of Finance. The Board does not have the discretion to waive this appeal fee.

You should also include your email address, the email address of your representative (if any), the date you were notified of the decision, and a copy of each decision you are appealing.

You can send the notice of appeal to the Board by mail, courier, facsimile, email, or hand delivery. The Board's office is open 8:30 am to 4:30 pm, Monday to Friday, excluding public holidays. If the notice of appeal is sent by facsimile or email, the \$25 appeal fee can follow by mail. However you send the notice of appeal, the notice of appeal **must** be received by the Board within 30 days of when you were notified about the decision being made. The Board has no power to extend the time to appeal.

### **What happens if the notice of appeal is not complete?**

If you do not satisfy all of the requirements described above, the Board will send a letter to let you know. The Board will not proceed with the appeal unless those deficiencies are fixed or explained.

### **An appeal may not act as a stay**

You do not need to ask for a stay if the appeal is against an administrative penalty. Administrative penalties are automatically stayed when appealed, under sections 11(5)(c) and 12(3)(c) of the *Act*.

If the appeal does not involve an administrative penalty, the appealed decision remains effective after the appeal is filed. If you want to ensure the decision is not effective, you must ask the Board to "stay" the decision. For more information, see the Information Sheet, "[Stays Pending a Decision on an Appeal](#)".