



Environmental Appeal Board

Fourth Floor, 747 Fort Street, Victoria BC V8W 3E9

Tel: (250) 387-3464

www.bceab.ca

Fax: (250) 356-9923

info@bceab.ca

Adding Third Parties, Participants, and Interveners to an Appeal

The Board can invite any person to be heard in an appeal. This can be done in response to a request or on the Board's initiative. Generally, the invited person is called a "participant". If the appeal is against a decision made under the [Mines Act](#), however, the person is called an "intervener".

Parties, Participants, and Interveners

In an appeal, parties can present evidence, make arguments, and challenge the evidence of other parties. There are always at least two parties to an appeal: the appellant (who filed the appeal) and the respondent (who made the decision under appeal).

The Board may also designate one or more third parties in an appeal. A third party is someone or an organization that may be directly affected by the Board's decision on the appeal. For example, if someone appeals a decision to grant a water licence, the person holding that water licence is recognized as a third party in the appeal.

Sometimes, the Board may not know about someone's stake in an appeal. People are welcome to apply to the Board to become third parties.

The Board can also allow participants or interveners to be involved in an appeal. The Board decides if, and how much, they are allowed to present or challenge evidence and make statements about the appeal.

For all appeals other than those brought under the [Mines Act](#), the Board can name participants to an appeal. Generally, participants have some interest in the appeal and some information that is relevant to the appeal.

Under the [Mines Act](#), the Board can name interveners to an appeal. The Board can do this if it thinks the person can make a valuable contribution or bring a valuable perspective to the appeal. An intervener generally has some perspective or information that the Board thinks will help it to decide the appeal.

How to apply to be added as a party, participant or intervener

You must make a written request to become a party, participant, or intervener in an appeal. You must include your name, address, telephone number and your email, if you have one. You must explain your interest in the appeal and what useful information you have for the Board. You must explain why you should be added as a party, participant, or intervener. Lastly, if you want to be added as a participant or intervener, you have to say how you want to take part in the appeal (to make a statement, present evidence, or challenge evidence provided by parties).

Where someone requests to be added as a party, the Board will consider whether they could have appealed the decision and how much its decision may affect them. Third party status is reserved for those who may be directly and significantly affected by the Board's decision.

The Board will consider several things when deciding someone's request to be added as a participant or intervener, including:

- where the appeal is in its process;
- the impact on the appeal and the parties of adding the person to the appeal;
- the impact that the Board's decision might have on the person;
- how this person will give information or a perspective that will help the Board decide the appeal;
- whether the person's information or perspective can be provided by someone else already involved in the appeal; and
- the degree of participation requested by the person.

The Board will provide a written decision on the request. The Board will tell the person how they may take part in the appeal if it grants their request.