

Annual Report 2025/2026



**Environmental
Appeal Board**





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Dear Ministers:

Please find enclosed the 2025/2026 Annual Report for the Environmental Appeal Board.

Yours Truly,

A handwritten signature in blue ink, reading "D. Le Houillier".

Darrell Le Houillier
Chair
Environmental Appeal Board

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Message from the Chair

During the 2025/2026 reporting period, the Board emphasized the resolution of the oldest appeals in its appeal inventory. The Board closed 74 appeals over this time, a high water mark since 2019/2020, reducing the average age of appeals from 844 days to 453 days.

The Board received 51 new appeals, each related to a separate statutory decision, over the same period. This is less than intake over the previous three reporting periods (averaging 72 per year) and resulted in a decrease in the Board's appeal inventory, from 91 appeals to 69.

Most appeals that were closed in the 2025/2026 reporting period were decided without a decision on their merits. The plurality of decisions (42%) was decided on its merits. Similar amounts were settled, withdrawn, or abandoned (31%) and rejected or dismissed (27%). These proportions are broadly consistent with the previous reporting periods, although there were more appeals decided on their merits in the 2025/2026 reporting period than in recent reporting periods.

The appeal process took, on average, 1,094 days to complete. This is a historically long amount of time, primarily related the Board resolving its oldest and most procedurally complex appeals: a set of 19 appeals that involved eight weeks of oral hearings spread across four years, concerning three different versions of an air emissions permit. The time to resolve appeals on their merits was 1,817 days, a historical high for the same reason. The time to resolve appeals without a hearing on the merits was 227 days, lower than the previous reporting period, but above the preceding one and generally consistent with time lines for the resolution of such appeals.

Looking forward, the Board projects an increase to both its appeal inventory and its average age of appeals. Ongoing resource constraints mean that the Board is scheduling hearings years in advance, with appeals currently being booked into the 2028/2029 fiscal year.

Furthermore, an increase in both appeal inventory and average age of appeals had been projected for this reporting period due to the creation of authority for administrative monetary penalties to be issued under the *Water Sustainability Act* and under the *Greenhouse Gas Industrial Reporting and Control Act*. No such appeals have yet been received; however, I understand that the implementation of penalties under the *Water Sustainability Act* is ongoing, and related appeals are expected in the next reporting period.

Additionally, in recent years the Board was also given authority to hear appeals from administrative monetary penalties imposed under the *Ecological Reserve Act* and the *Park Act*. It is unknown how many appeals will be brought under these statutes, particularly given the recent reorganization of compliance and enforcement staff charged with issuing such penalties in first instance.

As reported previously, the appeals before the Board are often highly factually and legally complex. The Board also faces many preliminary applications which require significant resources and often do not resolve appeals. The Board also faces an increasing number of applications for judicial review, which demand resources regardless of the outcome. These trends are unsurprising given that the financial implications of many appeals are significant, and parties are motivated to present robust cases before the Board and to concede little. On the other end of the spectrum, some appeals are advanced by those without significant resources available for legal processes, and access to justice remains an issue with which the Board regularly grapples.

Unfortunately, the Board's ability to address appeal volumes that are expected to increase is limited by resourcing pressures. The Board will be devoting significant resources to replacing a case management system which is no longer supported and for which its licence will soon be expiring. As capital funding is unavailable, the Board must bear the cost of this change out of its operating budget, further impacting its ability to resolve appeals. This is but one example of a necessary expenditure that has increased over time which has not been met by increased resourcing, as the Board and the associated Forest Appeal Commission's funding has increased less than five percent total since 2013/2014, an increase far surpassed by inflation (nearly 35% according to the Bank of Canada) and rising, government-set member rates (which increased by approximately 68%) over the same interval.

In the face of increasing resource pressures and appeal demands, the Board is working to adjust operations. The Board implemented an expedited appeal process aimed at dramatically improving the efficiency of certain appeals and to provide timely decision-making. This system is designed to address types of appeals that suffer most from burdensome appeal management and delayed decision-making: appeals of quota decisions under the *Wildlife Act*. The Board aims to further refine those rules to further improve the ease and efficiency of its operations.

This innovation will allow the Board gauge how to best approach its continuing efforts to improve the efficiency and user-focus of its operations through its service delivery realignment project. This project is a multi-year effort aimed at a cover-to-cover redesign of its appeal processes that will continue into the future and capitalize on experiences gained from the Board's forthcoming expedited appeal process, as well as engagement with its Reconciliation Advisory Committee, historical stakeholder engagements, and a survey of historical system-users. The Board has also improved the efficiency of its operations over this reporting period by relocating into shared office space with other administrative tribunals. The Board continues to work at properly disposing of and cataloging historical documents and to update and repair the data loss from its website as a result of a botched migration done without consultation to the Board in the 2023/2024 reporting period.

The Board's expenditures in the reporting period totalled roughly \$1,941,000. This was approximately \$289,000 more than the average from the five preceding fiscal years (roughly \$1,652,000). The increase relates predominantly to increased staffing at the Board, relative to historical levels. With new areas of legislated responsibility and increasing appeal complexity, the Board requires additional resourcing to adequately serve its role in the justice sector.



Darrell Le Houillier
Chair
Environmental Appeal Board



Introduction

The Board was established in 1981, when the *Environment Management Act* came into force. The Board offers an independent level of appeal from some decisions made by government officials under eleven statutes and their associated regulations. The Board addresses issues related to the use and stewardship of natural resources and to the environment.

Cabinet may, in the public interest, vary or rescind an order or decision of the Board.

Many significant decisions made by the Board are available on the website, www.bceab.ca. The Board's website also has other resources including its Rules, its Expedited Rules, its Practice and Procedure Manual, and information sheets aimed at helping self-represented parties.

Review of Board Operations

The principal work of the Board is deciding appeals from certain authorized decisions made under its establishing legislation, the *Environmental Management Act*, as well as ten other statutes: the *Ecological Reserve Act*, the *Greenhouse Gas Industrial Reporting and Control Act*, the *Integrated Pest Management Act*, the *Low Carbon Fuels Act*, the *Mines Act*, the *Park Act*, the *Water Sustainability Act*, the *Water Users' Communities Act*, the *Wildlife Act*, and the *Zero-Emission Vehicles Act*.

The Board, through its annual reports, also provides the ministers responsible for its oversight with information gathered over the preceding reporting year: a review of its operations, performance indicators, its appeal inventory, the results of any surveys undertaken, a forecast of the upcoming workload for the tribunal, any foreseen trends or special problems, and plans for improving operations in the future.

PIDA Disclosures

In the 2025/2026 reporting period, there were no disclosures, as defined in the *Public Interest Disclosure Act*, submitted to the Board. The Board is aware of no disclosures pertaining to its staff or members (past or present), that would have been submitted in the 2025/2026 reporting period.

Appeal Procedures

An appeal begins when a notice of appeal is filed against a particular decision made by a decision-maker under any of the eleven statutes listed above. The Board assesses whether the appeal meets threshold requirements related to its jurisdiction to hear the appeal, the appellant's standing to appeal, and the timeliness of the appeal. These requirements vary depending on the statute under which the decision was made.

The Board may conduct appeals in writing, through an oral hearing (in person, electronic, or both), or a hybrid of the two, depending on the needs of the parties and the requirements of procedural fairness.

The eleven statutes which grant appeal rights to the Board are summarized below.

Environmental Management Act

The *Environmental Management Act* governs the disposal and dispersal of solid, gaseous, and liquid waste into the environment of British Columbia, including through regulation of landfills and contaminated sites. Governmental decision-makers may issue permits, approvals, operational certificates, orders, and administrative penalties to accomplish the aims of the Act.

Any person "aggrieved by a decision" (as defined in the statute) of a director or district director named under the *Environmental Management Act* can appeal that decision to the Board. Decisions to impose administrative penalties are effectively stayed on appeal. The Board has the discretion to stay all other decisions under appeal pending the final outcome of the case.

Ecological Reserve Act

The *Ecological Reserve Act* grants the Minister of the Environment and Parks the authority to impose an administrative monetary penalty on a person for contravening the regulations of the *Ecological Reserve Act* or the terms of a permit issued under that statute. The Minister may also enter into "compliance agreements" with those liable to pay such an administrative penalty, but if that person fails to satisfy the terms and conditions of the agreement by a date specified in the agreement, the administrative penalty becomes payable.

A person liable to pay an administrative penalty under this statute may appeal to the Board the decision to impose a penalty or the determination that they failed to satisfy the terms and conditions of a compliance agreement.

Greenhouse Gas Industrial Reporting and Control Act

The *Greenhouse Gas Industrial Reporting and Control Act* enables the government to set performance standards for industrial facilities or sectors by listing them within a Schedule to the Act. Presently, the Schedule sets a greenhouse gas emissions benchmark for liquified natural gas facilities.

A person who has been determined to be non-compliant with requirements under the statute may appeal that determination, the imposition of any administrative penalty imposed as a result, or (other than in cases where

the penalty is for failing to accurately report emissions) the quantum of the penalty. The Act also allows other decisions to be designated as appealable by regulation.

The *Greenhouse Gas Emission Administrative Penalties and Appeals Regulation* specifies that decisions by a director to approve changes in emissions measurement methodology or to refuse to accept a verification statement of an emissions report are appealable.

The *Greenhouse Gas Emission Administrative Penalties and Appeals Regulation* allows for appeals of decisions by a director, to:

- suspend or cancel an account in the registry;
- refuse to accept a validation or verification statement;
- refuse to accept an emissions offset project;
- refuse to credit offset units based on an offset project report;
- approve a change in the methodology used to quantify emissions; and
- refuse a verification statement relating to an emissions report on certain grounds.

Decisions to impose administrative penalties are automatically stayed on appeal. The Board has the discretion to stay all other decisions under appeal.

Integrated Pest Management Act

The *Integrated Pest Management Act* regulates the sale, transportation, storage, preparation, mixing, application, and disposal of pesticides in British Columbia. It requires permits for certain pesticide uses and certification for individuals seeking to apply pesticides in certain circumstances. It also prohibits the use of pesticides in a way that would cause an unreasonable adverse effect on the environment and empowers government decision-makers to impose administrative penalties for non-compliance.

The *Integrated Pesticide Management Act* allows a “person” to appeal a decision, as defined in that Act, to the Board. Certain decisions made in emergency situations cannot be appealed to the Board.

Decisions to impose administrative penalties are automatically stayed on appeal. The Board has the discretion to stay all other decisions under appeal.

Low Carbon Fuel Act

The *Low Carbon Fuel Act* categorizes some fuels and imposes various requirements, including renewable content and carbon content requirements, for those fuels. A director under that Act may impose administrative penalties for noncompliance with the Act or its regulations, or for providing false or misleading information in respect of a number of procedures under the Act.

Persons subject to administrative penalties may appeal the findings of contravention underlying the penalty, the decision to impose a penalty, or the amount of the penalty to the Board. Penalties are not payable until a final decision is issued by the Board.

Mines Act

The *Mines Act* regulates mining in British Columbia through a system of permits, regulations, and the Health, Safety and Reclamation Code. The *Mines Act* and associated Code applies to mining operations through exploration, development, construction, production, closure, reclamation, and abandonment. The *Mines Act* allows for inspections, investigations, orders, and enforcement by the Chief Inspector of Mines and inspectors they have appointed.

The *Mines Act* allows appeals to an “appeal tribunal” of decisions by the Chief Inspector of Mines, for which notice must be given under section 36.3. That section applies to the imposition of an administrative penalty by the Chief Inspector of Mines and the Chief Inspector’s finding that someone has contravened or failed to comply with provisions related to:

- orders made under the *Mines Act*;
- terms or conditions imposed in permits, permit exemptions, cancellations of notices of government debt applied to abandoned mines, and orders for the recommencement or reopening of certain mining operations following closures as a result of regulatory actions;
- prescribed provisions of the Act, regulations, or *Health, Safety and Reclamation Code*.

The *Administrative Penalties (Mines) Regulation* provides that administrative penalties can be imposed for a wide variety of contraventions or non-compliances under the legislation, regulations, *Workplace Hazardous Materials Information System Regulation* (Mines), and the *Health, Safety and Reclamation Code*. The *Administrative Penalties (Mines) Regulation* also defined the Board as the “appeal tribunal” referred to under the *Mines Act*.

Deadlines for payment of administrative penalties are automatically postponed upon appeal to the Board, although the Board cannot stay decisions under the *Mines Act*. The administrative penalty must be paid within 40 days after the date the Board’s decision is given to the parties unless the Board overturns the penalty.

Park Act

The *Park Act* grants the Minister of the Environment and Parks the authority to impose an administrative monetary penalty on a person for contravening the regulations of the *Park Act* or the terms of a permit issued under that statute. The Minister may also enter into “compliance agreements” with those liable to pay such an administrative penalty, but if that person fails to satisfy the terms and conditions of the agreement by a date specified in the agreement, the administrative penalty becomes payable.

A person liable to pay an administrative penalty under this statute may appeal to the Board the decision to impose a penalty or the determination that they failed to satisfy the terms and conditions of a compliance agreement.

Water Sustainability Act

The *Water Sustainability Act* regulates the use and allocation of groundwater and surface water, works in and about streams, and the construction and operation of groundwater wells. It includes provisions for the protection of fish and aquatic ecosystems, dam safety, and enforcement and compliance. It empowers government officials to issue licences, permits, approvals, orders, and administrative penalties.



The *Water Sustainability Act* allows, subject to some exceptions created in that Act, any order (as defined in that Act) resulting from an exercise of discretion by the comptroller, water managers, or engineers designated under the Act to be appealed by:

- the person who is the subject of the order;
- an owner whose land is likely to be physically affected by the order;
- the owner of works that are subject to an order; and
- the holder of an authorization, riparian owner, or an applicant for an authorization who considers that his or her rights are or will be prejudiced by the order.

Decisions to impose administrative penalties are automatically stayed on appeal. The Board has the discretion to stay all other decisions under appeal.

Water Users' Communities Act

The *Water Users' Communities Act* allows for the creation of water users' communities, which are groups of six or more licensees under the *Water Sustainability Act*, who create and maintain a system to store and deliver water. The *Water Users' Communities Act* defines rights of and obligations on water users' communities and empowers the comptroller to make certain decisions affecting water users' communities.

The *Water Users' Communities Act* uses the general appeal provisions from the *Water Sustainability Act*, which includes appeals of decisions by the comptroller to cancel a water users' community and dispose of its assets.

Decisions to impose administrative penalties are automatically stayed on appeal. The Board has the discretion to stay all other decisions under appeal.

Wildlife Act

The *Wildlife Act* regulates the use, allocation, import and export of fish and wildlife in British Columbia, including activities such as hunting, angling in non-tidal waters, guide outfitting, and trapping. The Act empowers government officials to issue licences, permits, certificates, and orders, and to impose administrative penalties for non-compliance.

The *Wildlife Act* grants rights of appeal to applicants for and holders of licences, permits, registrations for traplines, and certificates for guiding territories. Those individuals may appeal to the Board any decision by a regional manager or director that affects their licence, permit, registration for a trapline or guiding territory certificate.

The Board has the discretion to stay decisions under appeal.

Zero-Emission Vehicles Act

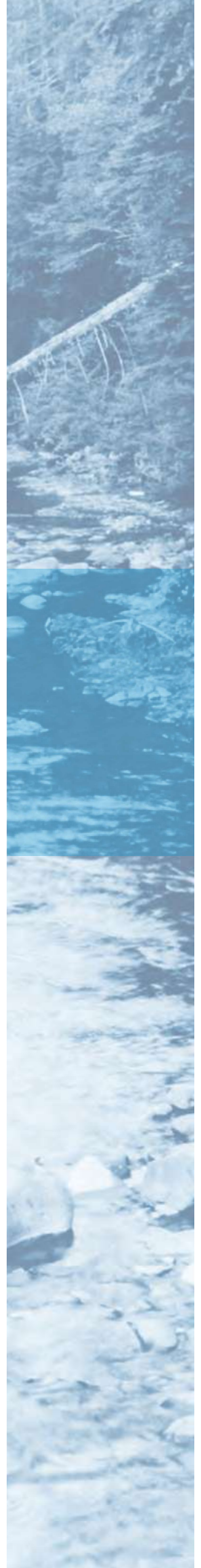
The *Zero-Emission Vehicles Act* requires automakers to meet an increasing annual percentage of new light-duty zero emission vehicle sales and leases, starting with 10% in 2025 and reaching 100% by 2040. Compliance with these directives is monitored by requiring vehicle suppliers to submit annual, auditable reports to the director appointed under the Act, who then issues assessments and possible reassessments in reply. The Act empowers government officials to impose administrative penalties for non-compliance.

The Act allows appeals to the Board of certain decisions made by a director under the Act:

- an assessment or reassessment of a report from a vehicle supplier;
- a determination of non-compliance, the extent of that non-compliance, or of the amount of an administrative penalty; and
- other decisions prescribed by regulation.

Other decisions may be designated as appealable by regulation.

Decisions to impose administrative penalties are automatically stayed on appeal. The Board has the discretion to stay all other decisions that may be appealed under the *Zero Emission Vehicles Act*.



Statutory Framework

The statutory framework governing the operation of the Board is generally found in Part 8 of the *Environmental Management Act*, sections 93 to 98. The following sections of the *Administrative Tribunals Act* apply to the Board:

- Parts 1, 2, 3, 4 (except sections 23, 24, 33, 34(1), and 34(2)), 6, 7, and 8; as well as
- Sections 57, 59.1, 59.2, and 60.

For appeals filed under the *Mines Act*, the applicable sections of the *Administrative Tribunals Act* are slightly different. The sections that apply to appeals filed under the *Mines Act* are:

- Parts 1, 2, 3, 4 (except sections 23, 24, 25, 34(1), and 34(2)), 6, 7, 8, and 9 (except section 58).

Performance Indicators

Board Processes

In the 2025/2026 reporting period, the appeal process took, on average, 1,094 days to complete (a historical high). Where decisions were issued on the merits of an appeal, the average was 1,817 days (also a historical high). Where appeals were resolved without a decision on the merits (by rejection, abandonment, withdraw, consent order, or dismissal), the average was 227 days (a decrease from the average in the previous reporting period of 380 days and within recent historical averages).

While the Board has made advances to resolve appeals in a timely manner in recent years and continues to rework its processes to improve timeliness, the lengthy times above reflect the appeals that were resolved in the reporting period. The Board issued final decisions in respect of its oldest and most procedurally complex appeals, a group of 19 that concerned three iterations of an air emissions permit and involved eight weeks of oral hearing spread across four years.

Unfortunately, resource constraints have meant that the Board is booking newly received appeals more than two years in advance. The appeal inventory is likely to continue to grow absent increased resources.

The largest proportion of appeals closed in the 2025/2026 reporting period (42%) were decided on their merits. Roughly 31% were settled or withdrawn, and 27% were summarily dismissed or rejected. These proportions are generally consistent with those from the previous reporting period, although there was a decrease in the proportion of cases settled or withdrawn (from 50% to 31%, back to a proportion consistent with the preceding reporting period) and an increase in appeals decided on their merits (from 21% to 42%). These figures fall within expected, historical ranges for appeals to the Board.

Judicial Reviews

Four judicial reviews of Board decisions were active in the 2025/2026 reporting period.

Administrator, Integrated Pest Management Act v. MKY Holdings and the Environmental Appeal Board (BC Supreme Court)

In February 2023, an Administrator under the *Integrated Pest Management Act* levied an administrative penalty against MKY Holdings for its use of laundry detergent to remove moss from a large area of roofing, with residue being washed into a nearby watercourse during a rain event.

MKY Holdings appealed to the Board, which reviewed the applicable legislation and concluded that detergent was not a pesticide under the Act and so reversed the penalty. The Administrator appealed and the Court quashed the Board's decision. The matter was remitted to the Board for further considerations and the parties reached a settlement agreement to resolve the appeal.

ᑭᓴᓴᓴᓴᓴ First Nation v. British Columbia Environmental Appeal Board et al. (BC Supreme Court)

In the 2024/2025 reporting period, an Assistant Water Manager authorized the Tretheway Beach Society to do work in and about Windermere Lake, near Invermere, British Columbia. The ᑭᓴᓴᓴᓴᓴ First Nation appealed that authorization to the Board and requested a stay of the authorization pending the outcome of the appeal. The Board denied the stay application.

The ᑭᓴᓴᓴᓴᓴ First Nation sought judicial review of the Board's decision and also sought a stay of the underlying authorization by the Assistant Water Manager. The Board was not notified of this stay application and was not invited to participate in the process. The Supreme Court granted the stay sought by the ᑭᓴᓴᓴᓴᓴ First Nation, without addressing the merits of the Board's stay decision.

The judicial review of the Board's decision has not proceeded, and the Board believes the matter has become moot.

District Director, Metro Vancouver v. Environmental Appeal Board et al. (BC Court of Appeal)

This case relates to composting operations conducted in Delta, British Columbia, by GFL Environmental, Inc. ("GFL"). In 2018, the District Director of Metro Vancouver issued a permit to GFL, allowing it to emit certain air contaminants as part of its composting operations. The permit covered the existing, open-air operation in place in 2018, a transition to an enclosed facility, and composting occurring entirely in the enclosed facility (scheduled to start in March 2020). The permit allowed GFL to emit air contaminants for less than three years, once operating only in the enclosed facility.

The District Director set various terms and conditions on the permit. GFL appealed the permit, arguing that the District Director had exceeded his authority and imposed unnecessary conditions on the permit. Seventeen local residents from Delta also appealed, arguing for tighter controls in the permit—particularly involving the release of odours. The City of Delta, the municipality in which the composting facility was located, was granted third-party status in the appeals.

While the appeals were underway, GFL twice applied for interim relief, seeking to vary dates in the permit as a result of delays in constructing the enclosed facility. The Board granted those applications. Shortly before the end of the appeal hearing, the District Director asked two of the three Board members



hearing the appeal to recuse themselves because of actual or perceived bias against him. The Board denied that application and the panel completed the hearing.

The Board issued the decision in due course. It determined that it owed no deference to the District Director regarding any aspect of the permit. The Board concluded that the District Director's decision-making process was unfair because he did not provide written reasons when issuing the permit, although the unfairness was cured through the appeal process.

The Board also concluded that several terms and conditions were not appropriate for the permit or were beyond the authority of the Director. The Board directed, however, that the District Director amend the permit to require GFL to create an odour management plan, subject to the District Director's approval. The Board made recommendations for that plan. The Board also ordered certain contaminants, known to be odorous, be monitored at their point of discharge from the enclosed facility. Further, the Board recommended that the permit be amended to require GFL to submit an operational monitoring plan, to assist in the definition of contaminant emissions sources and the treatment of emissions. Lastly, the Board extended the term of the permit.

The District Director sought a judicial review of this decision. Referencing several procedural rulings throughout the 44-day oral hearing convened for these appeals, the District Director argued that two of the three Board panel members showed bias or a reasonable apprehension of bias during the hearing. The Court heard this appeal in the 2022/2023 reporting period and issued its decision in the 2024/2025 reporting period.

The Board appealed the decision of the British Columbia Supreme Court to the Court of Appeal. In this reporting period, the Court of Appeal confirmed the decision of the British Columbia Supreme Court.

EVR Operations Limited v. Environmental Appeal Board and Chief Inspector of Mines (BC Supreme Court)

This case relates to the Board dismissing an appeal of an administrative penalty imposed by the Chief Inspector of Mines under the *Mines Act*. The penalty was imposed based on a conclusion that Teck Coal Limited was responsible under section 1.11.1(1) of the Health, Safety and Reclamation Code for Mines in BC (the "Code") for ensuring that a contractor's employee at a mine site was adequately trained or supervised to carry out their job duties and had not satisfied that responsibility. The Board confirmed the penalty, concluding that the procedure followed by the Chief Inspector of Mines was fair, section 1.11.1(1) of the Code applied to Teck Coal Limited with respect to the contractor's employee, and that there was no defense of due diligence available to Teck Coal Limited in respect of it failing to meet the requirements of that section.

EVR Operations Limited sought judicial review of the Board's decision late in the reporting period and the judicial review was not provided during the reporting period.

Cabinet Reviews

Cabinet did not vary or rescind any decisions of the Board in this reporting period.

Applications and Appeals in the 2025/2026 Reporting Period

The Board is responsible for considering appeals on a broad range of subjects.

The diversity of appeals was less in the 2025/2026 reporting period than experienced previously. This marks the third consecutive reporting period in which the issues brought to the Board have been related to a narrower range of issues than in previous reporting periods.

Most appeals filed under the *Environmental Management Act* during the reporting period (56%) relate to Part 9.1 of that Act (Compliance). Of those appeals, the contraventions underlying the appealed enforcement actions relate to permits issued under the Act (three of the fifteen appeals), Part 7 of the Act: Powers in Relation to Managing the Environment (three appeals), the *Municipal Wastewater Regulation* (two appeals), the *Organics Recycling Regulation* (two appeals), the *Recycling Regulation* (two appeals), Part 2 of the Act: Prohibitions and Authorizations (two appeals), and an order issued under Part 9.1 of the Act.

The remaining appeals filed under the *Environmental Management Act* (44% of the total filed under that legislation) related to Part 2 of the Act: Prohibitions and Authorizations (five appeals), the *Hazardous Wastes Regulation* (three appeals), Part 7 of the Act: Powers in Relation to Managing the Environment (two appeals), the *Municipal Wastewater Regulation* (one appeal), and the *Contaminated Sites Regulation* (one appeal).

One appeal filed under the *Mines Act* pertained to an administrative penalty.

Of the 14 appeals filed under the *Water Sustainability Act*, the largest proportion of appealed decisions—nine, or 64%—were of decisions made under Part 2: Licencing, Diversion and Use of Water. There were also five appeals (36% of the total) from decisions made under Part 4: Enforcement. Of the Enforcement decisions, one also included an order under Part 3: Protecting Water Resources.

All eight appeals under the *Wildlife Act* related to Part 1 (General), which covers nearly the whole of that statute.

The table below summarizes the number of appeals in the Board's inventory at the start of the 2025/2026 reporting period, as well as those filed in, and those completed in, the reporting period. These figures are broken down by the legislation under which each appeal was filed. The number of appeals appears as the first number in each field, while the second number (in parentheses) provides the number of government decision letters that were the subject of appeals (as one decision letter may generate one or more appeals).

The appeal settled by consent which concerned the *Integrated Pest Management Act* was settled following a judicial review during the reporting period, so was not reflected in either the inventory at the start of the period or as a filed appeal within that period.

	Inventory (Start of Period)	New Appeals in Period	Matters Resolved via...				Inventory (End of Period)
			Rejection or Dismissal	Abandonment or Withdraw	Consent Orders	Final Decisions	
Environmental Management Act							
	58 (37)	27 (27)	7 (7)	12 (12)	0	25 (9)	41 (36)
Ecological Reserve Act							
	0	0	0	0	0	0	0
Greenhouse Gas Industrial Reporting and Control Act							
	0	0	0	0	0	0	0
Integrated Pest Management Act							
	0	0	0	0	1 (1)	0	0
Mines Act							
	1 (1)	1 (1)	0	0	0	1 (1)	1 (1)
Park Act							
	0	0	0	0	0	0	0
Water Sustainability Act							
	21 (21)	14 (14)	5 (5)	8 (8)	0	1 (1)	21 (21)
Water Users’ Communities Act							
	0	1 (1)	0	0	0	0	1 (1)
Wildlife Act							
	11 (11)	8 (8)	8 (8)	2 (2)	0	4 (4)	5 (5)
Zero Emission Vehicles Act							
	0	0	0	0	0	0	0
TOTAL	91 (70)	51 (51)	20 (20)	22 (22)	1 (1)	31 (15)	69 (64)

The Board convened two oral hearing components for hybrid appeals in the 2025/2026 reporting period, both held electronically. One was a one-day hearing held for an appeal under the *Mines Act* while another was a two-day hearing held for an appeal under the *Water Sustainability Act*.

Forecast of Workload

In the five years before this reporting period, from 2020/2021 to 2024/2025, the Board received between 46 and 77 appeals each year, for an average of 62 per year. In 2025/2026, the Board received 51. The Board expects to see consistent appeal intake in 2025/2026, provided it continues to receive no appeals of administrative penalties imposed under the *Ecological Reserve Act*, the *Greenhouse Gas Industrial Reporting and Control Act*, the *Park Act*, or the *Water Sustainability Act*. Should decision-makers begin issuing such decisions, the Board expects to see an increase in the number of appeals, including high-complexity appeals, with respect to those new areas of decision-making. The Board projects between 70 and 90 appeals will be filed during the upcoming reporting period.

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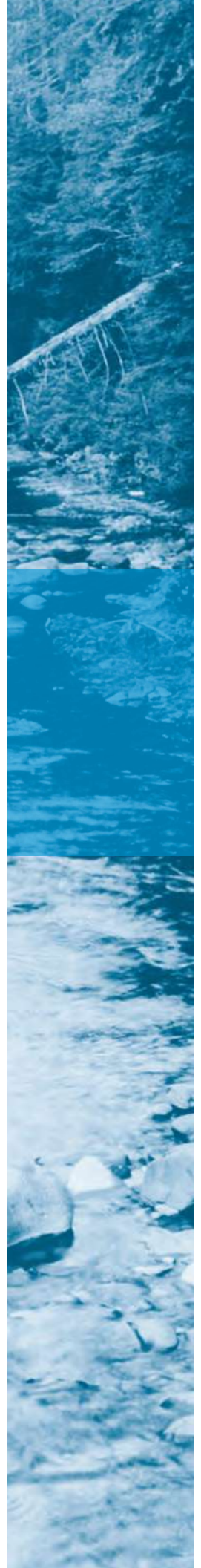
Forecast of Trends and Special Problems

As detailed above, the Board projects receiving elevated volumes of appeals in forthcoming reporting periods, relative to recent history. The Board will mitigate the impacts of increased appeal volumes with a variety of initiatives, but further resources will likely be required to avoid an increasing appeal backlog and increased time for the adjudication of appeals.

The Board is struggling to resolve appeals within a time frame consistent with expectations for administrative tribunals as, year-over-year, its budget increases (less than five percent since 2013/2014) are falling well short of inflation (36% over the same period, according to the Bank of Canada) and government-set rates of pay for Board members (68% over the same interval). Given increasing appeal volumes and complexity, coupled with nearly stagnant funding, the Board's purchasing power per appeal is roughly half of what it was in 2013/2014, while the Board is expected to simultaneously absorb increasing information technology costs. This creates resourcing pressures that limit what the Board can allocate to appeal-related issues and to modernization and efficiency improvement, further exacerbating the resourcing crisis that the Board currently faces.

Surveys

There were no surveys undertaken in the reporting period.





Plans for Improving Board Operations

The Board has three central aims for improving its operations in the upcoming reporting period.

First, the Board will refine its expedited appeal process to explore more efficient appeal processes and more timely decision-making with respect to appeals of quotas assigned under the *Wildlife Act*. The Board will assess this system in operation and determine how best to adjust its processes, so that it can achieve similar gains in other streams of appeals.

Second, the Board will continue its service delivery realignment project. Based on feedback the Board has received from stakeholders, through its 2020 survey of historical system-users, and after consultation with its Reconciliation Advisory Committee, the Board is reworking its appeal processes to focus on several objectives:

- fostering reconciliation with Indigenous peoples,
- encouraging better preparation of parties to present evidence and participate in hearings,
- improving the efficiency of hearings,
- ensuring that self-represented and layperson-represented parties receive appropriate levels of assistance throughout the life of their appeals while maintaining the impartiality of the Board,
- improving the clarity and responsiveness of the Board's rules and correspondence,
- ensuring that in-person hearings are offered where feasible and appropriate,
- increasing active case management by the Board throughout appeals,
- training panels in the consistent and fair application of rules and procedures,
- emphasizing clarity and responsiveness in decision-writing, and
- fostering more professional, respectful, and culturally aware oral hearings.

Third, the Board will continue to leverage case management software to improve the quality and consistency of communications. The Board will continue to train its members and create more robust materials to assist the public in navigating the appeal process, while it will apply lessons learned from its previous case management software in licencing the next system, aimed at improving the metrics available for data analysis, automation of routine and non-substantive tasks, and standardization of operations.

As identified above, however, ongoing resource constraints continue to impair the Board's capacity for modernization and systemic improvement. These improvements will continue as the Board is best able to achieve them; however, the Board will continue to suffer from incomplete realization of these goals as it continues to struggle to carry out its core responsibilities of efficiently managing and promptly adjudicating appeals.

Board Membership

Members of the Board are appointed by the Lieutenant Governor in Council under Part 2 of the *Administrative Tribunals Act*. The Board has diverse, highly qualified members, including biologists, engineers, and agrologists. The Board also has lawyers with expertise in natural resource and administrative law. Members are appointed from across British Columbia and the Board is committed to soliciting applications to foster a membership reflects the diversity of British Columbians, while ensuring members have the requisite expertise and experience to carry out their responsibilities to the highest possible standards.

The following tables summarize the membership of the Board as of March 31, 2025, as well as changes in membership during the 2025/2026 reporting period.

Members of the Environmental Appeal Board with Special Duties as of March 31, 2025

Name	End of Term
Darrell Le Houillier (Chair)	July 29, 2027
David Bird (Vice Chair, Registrar)	December 31, 2028
Cynthia Lu (Vice Chair)	July 6, 2028

Members of the Environmental Appeal Board as of March 31, 2025

Name	End of Term	Name	End of Term
Maureen Baird, K.C.	December 31, 2026	Nancy Moloney	July 6, 2026
James Carwana	December 24, 2026	Bijan Pourkarimi	December 31, 2026
Subodh Chandra	December 31, 2026	Daphne Stancil	December 31, 2027
Jeffrey Hand	December 31, 2028	Norman Tarnow	December 13, 2027
Dr. Kuo-Ching Lin	December 31, 2026	R. Michael Tourigny	December 31, 2028
Linda Michaluk	December 31, 2026	Dr. Diana Valiela	December 24, 2026
Ian Miller	December 31, 2026	Reginald Whiten	December 31, 2025

New and Former Members of the Environmental Appeal Board

New Members	Start of Term	Former Members	End of Term
		Reginald Whiten	December 31, 2025

I also temporarily appointed one member to decide one appeal: Stacy Robertson, who served from March to September 2025.

The Board Office and Use of Resources

The Board provides administrative support for seven other appeal bodies: the Community Care and Assisted Living Appeal Board, the Energy Resource Appeal Tribunal, the Financial Services Tribunal, the Forest Appeals Commission, the Health Professions Review Board, the Hospital Appeal Board, and the Skilled Trades BC Appeal Board. Administrative support includes registry services, legal advice, research support, systems support, financial and administrative services, professional development, and communications support.

Some expenses associated with the Board's operations are shared with the other appeal bodies. Such shared expenses include professional services for information technology, information systems, office expenses, and small-scale miscellaneous expenses.

With that limitation in mind, I have provided a summary of the Board's direct expenses in the 2025/2026 reporting period and historically (in fiscal years 2020/2021 to 2024/2025, inclusive). The figures below account for administrative support offered to the other appeal bodies, but do not account for the benefits of the portion of shared expenses proportionately distributed among those appeal bodies, funded by those bodies.

The following table summarizes the Board's expenditures, rounded to the nearest thousand, for both the reporting period and the average of the five preceding reporting periods (2020/2021 to 2024/2025, inclusive).

Area of Expenditure	2020/2021 to 2024/2025, Averaged	2025/2026
Staff Salary and Benefits	\$1,289,000	\$1,622,000
Member Fees and Expenses	\$164,000	\$169,000
Staff Travel	\$7,000	\$4,000
Professional Services	\$45,000	\$18,000
Net Office Expenses	\$147,000	\$128,000
TOTAL	\$1,652,000	\$1,941,000

