



Environmental Appeal Board Forest Appeals Commission Oil and Gas Appeal Tribunal

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July 23, 2020

Notice re: Novel Coronavirus (COVID-19)

This notice pertains to functions of the Environmental Appeal Board, Forest Appeals Commission, and Oil and Gas Appeal Tribunal (collectively, the “Tribunals”).

In response to the COVID-19 global pandemic and the associated state of emergency declared by the Province of British Columbia on March 18, 2020, the Chairs of Tribunals were granted the authority to waive, suspend, or extend mandatory time periods relating to the exercise of their powers as Chairs, including the power to receive appeals on behalf of the Tribunals. Using this authority, I closed the Tribunals’ office to the public and enacted further measures to protect staff from COVID-19. To not prejudice those seeking to file appeals with the Tribunals, I extended the mandatory time periods for appeals to be filed with the Tribunals, to be effective until the end of the state of emergency related to the COVID-19 crisis.

There were three main reasons why I chose to extend the mandatory time periods for filing notices of appeal:

- to encourage members of the public to isolate as requested by the provincial health authorities, as some may have needed to gather in person or visit places of work to get notices of appeal submitted on time;
- to further protect the staff of the Tribunals by tightening exposure control measures, which could only be done by guaranteeing an extension of applicable time periods, if the office unpredictably became unable to process incoming notices of appeal, either in electronic or paper-based form; and
- to ensure that the power was exercised in favour of those who needed it most— individuals who could not communicate with the Tribunals at all during the state of emergency, as after that time I would not have any authority to extend time frames or provide any relief under some legislation.

There were also some gains in efficiency and access to justice from having a consistent process applied by all of the Tribunals.

On the other hand, I also wanted to recognize the legislative intent in enacting those limitation periods in the first place. As such, extending those time periods for all prospective appellants, rather than suspending or waiving them, was the best way to balance these competing concerns.

In my earlier letters to the public, I emphasized that the situation remained dynamic and the Tribunals’ response would change with the unfolding circumstances. The easing of restrictions related to the COVID-19 public health crisis means the public’s access to the Tribunals’ and other services has improved since the state of emergency began. The main reason for the extension of statutory timeframes for the filing of appeals no longer applies. As a result of this

change, the Tribunals will cease to automatically extend the statutory due date for any legislated timeframes for decisions, once the Tribunals' office becomes publicly accessible once again, on July 27, 2020.

Those who wish to apply for an extension of the statutory timeframe should do so, whether for a further extension beyond those automatically granted up to July 27, 2020 or for an initial extension of a newly-made decision. Given the complexity associated with extending different due dates at different times, the following table illustrates the automatic extensions already granted:

The Tribunals may need to adjust their response to the pandemic as circumstances dictate so I encourage members of the public to contact the Tribunals via telephone or email with any questions or concerns. The telephone number is listed on the letterhead and the email addresses are:

- eabinfo@gov.bc.ca for the Environmental Appeal Board,
- facinfo@gov.bc.ca for the Forest Appeals Commission, and
- ogatinfo@gov.bc.ca for the Oil and Gas Appeal Tribunal.

Sincerely,



Darrell Le Houillier, Chair
Environmental Appeal Board
Forest Appeals Commission
Oil and Gas Appeal Tribunal

Appendix A: Effects of Automatic Extensions for Appeals to the Tribunals

Initial Due Date	New Due Date (30-day period)	New Due Date (60-day period)	Initial Due Date	New Due Date (30-day period)	New Due Date (60-day period)
2020-03-18	2020-07-27	2020-07-27	2020-04-20	2020-08-26	2020-08-31
2020-03-19	2020-07-28	2020-07-28	2020-04-21	2020-08-26	2020-08-31
2020-03-20	2020-07-29	2020-07-29	2020-04-22	2020-08-26	2020-08-31
2020-03-21	2020-07-30	2020-07-30	2020-04-23	2020-08-26	2020-09-01
2020-03-22	2020-07-31	2020-07-31	2020-04-24	2020-08-26	2020-09-02
2020-03-23	2020-08-04	2020-08-04	2020-04-25	2020-08-26	2020-09-03
2020-03-24	2020-08-04	2020-08-04	2020-04-26	2020-08-26	2020-09-04
2020-03-25	2020-08-04	2020-08-04	2020-04-27	2020-08-26	2020-09-08
2020-03-26	2020-08-04	2020-08-04	2020-04-28	2020-08-26	2020-09-08
2020-03-27	2020-08-05	2020-08-05	2020-04-29	2020-08-26	2020-09-08
2020-03-28	2020-08-06	2020-08-06	2020-04-30	2020-08-26	2020-09-08
2020-03-29	2020-08-07	2020-08-07	2020-05-01	2020-08-26	2020-09-09
2020-03-30	2020-08-10	2020-08-10	2020-05-02	2020-08-26	2020-09-10
2020-03-31	2020-08-10	2020-08-10	2020-05-03	2020-08-26	2020-09-11
2020-04-01	2020-08-10	2020-08-10	2020-05-04	2020-08-26	2020-09-14
2020-04-02	2020-08-11	2020-08-11	2020-05-05	2020-08-26	2020-09-14
2020-04-03	2020-08-12	2020-08-12	2020-05-06	2020-08-26	2020-09-14
2020-04-04	2020-08-13	2020-08-13	2020-05-07	2020-08-26	2020-09-15
2020-04-05	2020-08-14	2020-08-14	2020-05-08	2020-08-26	2020-09-16
2020-04-06	2020-08-17	2020-08-17	2020-05-09	2020-08-26	2020-09-17
2020-04-07	2020-08-17	2020-08-17	2020-05-10	2020-08-26	2020-09-18
2020-04-08	2020-08-17	2020-08-17	2020-05-11	2020-08-26	2020-09-21
2020-04-09	2020-08-18	2020-08-18	2020-05-12	2020-08-26	2020-09-21
2020-04-10	2020-08-19	2020-08-19	2020-05-13	2020-08-26	2020-09-21
2020-04-11	2020-08-20	2020-08-20	2020-05-14	2020-08-26	2020-09-22
2020-04-12	2020-08-21	2020-08-21	2020-05-15	2020-08-26	2020-09-23
2020-04-13	2020-08-24	2020-08-24	2020-05-16	2020-08-26	2020-09-24
2020-04-14	2020-08-24	2020-08-24	2020-05-17		
2020-04-15	2020-08-24	2020-08-24	to		
2020-04-16	2020-08-25	2020-08-25	2020-07-27	2020-08-26	2020-09-25
2020-04-17	2020-08-26	2020-08-26			
2020-04-18	2020-08-26	2020-08-27	2020-08-27		
2020-04-19	2020-08-26	2020-08-28	to	As normal	2020-09-25
			2020-09-25		

To determine whether the 30-day timeframe or the 60-day timeframe applies in any given situation, please consult the decision or order to be appealed, and/or the legislation under which that decision or order was made.