

Regulations - Forest Practices Code of BC Act
ADMINISTRATIVE REMEDIES REGULATION

Contents

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Forest Practices Code of British Columbia Act

Bark Beetle Regulation

Forest Fire Prevention and Suppression Regulation

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Security for Forest Practice Liabilities Regulation

Timber Harvesting and Silviculture Practices Regulation

Woodlot Licence Forest Management Regulation

Definition

1. In this regulation "Act" means the Forest Practices Code of British Columbia Act.

Determinations that are not stayed

2.(1) A determination to levy a penalty under section 117 (1) of the Act for a contravention of section 74 (1) or 98 of the Act is not stayed by a review of the determination or an appeal of the determination to the commission.

(2) For the purposes of section 41 (4) of the Act, a determination is not stayed by a review of the determination or an appeal of the determination to the commission.

Stop work orders

3. (1) An order to stop work issued by an official under section 123 (1) of the Act must be in writing and include all of the following:

- (a) the nature of the contravention;
- (b) the extent to which the contravention must cease;

(c) the date by which the requirements of paragraph (b) must be met;

(d) the person's right to a review and appeal including the title and address of the review official to whom a request for a review may be made.

(2) Despite subsection (1), if the official is of the opinion that the nature of the contravention is causing or may imminently cause serious damage to the environment, the official may order that the contravention cease or cease to an extent specified, and the order need not be in writing.

(3) If the stop work order in the form referred to in subsection (2) is given to a person, the official must, within 72 hours of giving that order, give the person a written order referred to in subsection (1).

Limitation period

4. (1) For the purposes of section 117 (1) of the Act, the time limit for levying a penalty against a person is 3 years after the facts on which the penalty is based first came to the knowledge of an official.

(2) A document purporting to have been issued by the official, certifying the date on which he or she became aware of the facts on which the penalty is based, is admissible in a review under section 129 of the Act and an appeal under section 131 of the Act without proof of the signature or official character of the individual appearing to have signed the document and, in the absence of evidence to the contrary, is proof of the matter certified.

Penalties

5. A penalty set out in Column 3 of the Schedule to this regulation is the maximum penalty, in dollars, which may be levied under section 117 (1) of the Act for each contravention of each provision in Column 2 opposite the penalty, of the corresponding statute or regulation in Column 1.

Penalties expressed as amounts per m³ or hectare

6. If the maximum penalty in the schedule is expressed as an amount per hectare of timber affected, or m³ of timber affected, the maximum penalty for the fraction is the amount per hectare or m³ multiplied by the fraction of hectare or m³ of timber affected.

Penalties for Community Forest Agreement Regulation

7. The penalty for a contravention of a provision of the Community Forest Agreement Regulation is the same as for the corresponding provision in the Woodlot Licence Forest Management Regulation.

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