

B.C. Reg. 45/2001
O.C. 225/2001 Deposited March 2, 2001

Oil and Gas Commission Act

RECONSIDERATION BY ALTERNATIVE DISPUTE RESOLUTION REGULATION

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Definitions

1 In this regulation:

"Act" means the Oil and Gas Commission Act;

"applicant under section 9 (1) of the Act" means an interested person who makes an application to the advisory committee under section 9 (1) of the Act;

"business day" means a day other than Saturday or a holiday;

"original applicant" means a person who made an application to the commission that led to the original decision;

"original decision" means the decision of the commission in respect of which an application for a request for consensual alternative dispute resolution is made to the advisory committee under section 9 (1) of the Act;

"secretary" means an employee of the commission designated by the commission as secretary of the advisory committee.

Application to advisory committee for request for consensual alternative dispute resolution

2 (1) An application to the advisory committee under section 9 (1) of the Act must be made in writing and delivered within 15 business days after the date of the original decision to

(a) the advisory committee in care of the secretary, and

(b) each original applicant.

(2) The application referred to in subsection (1) must include all of the following:

(a) the name and address of the applicant under section 9 (1) of the Act;

(b) the name of each original applicant;

(c) the date of the original decision;

(d) the grounds on which the application is made.

(3) The secretary must give each person to whom notice of the original decision was sent a copy of any application that

(a) complies with subsection (2), and

(b) is received by the advisory committee within the time specified in subsection (1).

Incomplete or delayed applications

3 (1) If an application referred to in section 2 (1) does not meet the requirements of section 2 (2), the advisory committee must advise the applicant under section 9 (1) of the Act of the deficiencies in the application.

(2) The advisory committee may provide the information required under subsection (1) in writing or by telephone, and if by telephone the information given must be promptly confirmed in writing.

(3) An applicant under section 9 (1) of the Act who has been advised of deficiencies under subsection (1) must comply with section 2 (1) and (2) within the 15 business days referred to in section 2 (1).

(4) Unless an application that meets the requirements of section 2 (1) and (2) is received by the secretary within the time specified in section 2 (1), the advisory committee must not make a request to the commission under section 9 (1) of the Act.

Acknowledgement of application

4 The advisory committee must acknowledge in writing any application that complies with section 2 (1) and (2).

Decision of the advisory committee to request authorization

5 (1) A request under section 9 (1) of the Act must be made to the commission in writing within 30 business days of the date of the original decision.

(2) Whether or not the advisory committee decides to make a request under section 9 (1) of the Act, the advisory committee must provide written notice of its decision to

(a) the applicant under section 9 (1) of the Act,

(b) each original applicant,

(c) each person who was sent notice of the original decision, and

(d) if the advisory committee decides that it will not make a request to the commission under section 9 (1) of the Act, the commission.

The decision of the commission

6 (1) The commission, within 5 business days of receiving a request under section 9 (1) of the Act, must decide whether it will grant an authorization referred to in section 8 (2) of the Act and provide written notice of that decision to

- (a) the applicant under section 9 (1) of the Act,
- (b) each original applicant,
- (c) each person who received notice of the original decision, and
- (d) the advisory committee.

(2) The commission may include with the notice of decision under subsection (1) (a) to (c)

- (a) a form of consent to participate in a process of consensual alternative dispute resolution, and
- (b) a roster of facilitators acceptable to the commission.

(3) If a person referred to in subsection (1) (a) to (c) consents to participate in a process of consensual alternative dispute resolution, he or she must provide consent to the commission within 8 business days of delivery of the notice under subsection (1) and may include a list naming up to 3 persons from the roster of facilitators referred to in subsection (2) (b) whom the person recommends for the process of consensual alternative dispute resolution.

(4) The persons referred to in subsection (1) (a) to (c) may consult with each other before making the recommendation referred to in subsection (3).

(5) The consent and list referred to in subsection (3) must be provided in writing or by telephone, and if by telephone must be promptly confirmed in writing.

Authorization of facilitator

7 (1) When the 8 business days referred to in section 6 (3) have expired, the commission must promptly authorize a facilitator or panel of facilitators for the purpose of section 8 (2) of the Act and provide notice of the authorization to the persons who provided consent under section 6 (3).

(2) The commission must promptly advise the authorized facilitator or panel of facilitators of the date by which the dispute resolution process must be complete and any recommendations received by the commission so that the commission can redecide within the period set out in section 8.

Time for redecision of the commission

8 (1) Within 30 business days of a decision referred to in section 6 (1) to grant an authorization referred to in section 8 (2) of the Act, the commission must redecide the matter that is the subject of the request under section 9 (1) of the Act.

(2) The commission must promptly advise the persons referred to in section 6 (1) who participated in the dispute resolution process of its decision under subsection (1).

Activities authorized to preserve works

9 The commission, at the request of the original applicant, may authorize, for the period of the suspension under section 9 (2) (a) of the Act, activities that are necessary to preserve and maintain the security and safety of works authorized by, and undertaken pursuant to, the original decision.

Methods of delivery

10 (1) Any application, notice or information that, by this regulation, must be in writing may be provided by facsimile, personal service, electronic mail, mail or courier service.

(2) An application, a notice or information provided by facsimile or electronic mail is deemed received when it is sent.

(3) Delivery by electronic mail must be confirmed in writing by another method of delivery authorized under subsection (1).

(4) An application, a notice or information provided by mail or courier service is deemed received on the 2nd business day after being sent by mail or courier service.

[Provisions of the Oil and Gas Commission Act, S.B.C. 1998, c. 39, relevant to the enactment of this regulation: sections 9 (3) and (4) and 22 (2) and (3)]

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