



# EAB Tribunal Cluster

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## Delegation Letter #2: Orders

The following delegations are made, as authorized by section 26(9) of the *Administrative Tribunals Act*, with respect to preliminary or interim matters within appeals filed with the Environmental Appeal Board, Forest Appeals Commission, and Energy Resource Appeal Tribunal (the “Environmental Cluster”).

### Power to Make Orders

I delegate to Case Managers the authority, found in sections 14 and 15 of the *Administrative Tribunals Act* (the *ATA*), to make and amend certain orders, described below, to facilitate the just and timely resolution of appeals:

1. Where the parties to an appeal agree to a deadline for:
  - the submission of information or documents to other parties, an appeal body of the Environmental Cluster, or both, or
  - attendance by one or more parties at an in-person, telephone, videoconference, or other electronically enabled gathering,

a Case Manager has the authority to issue or amend an order compelling the submission of the information or documents, or the attendance of the specified gathering, by that deadline.

2. Where the parties to an appeal have the opportunity to make submissions with respect to such a deadline, the Case Manager may issue or amend an order compelling the submission of information or documents by that deadline, provided they issue reasons that justify the order.
3. A Case Manager may make or amend orders without the input of any party, so long as that order is subject to objections. In such circumstances, a party may, as a right, object to the Case Manager’s order and that order is automatically stayed pending resolution of the objection. If no party objects before the order is effective, the order should be read as being final and conclusive, and is no longer subject to any objection.

Orders that are issued or amended subject to objection must give the parties at least two weeks to object, unless they have been advised before the order was made, that a shorter period of time may apply, and what that shorter period of time may be. In all cases, an order that is subject to objection must provide at least one week for objections.

Upon receipt of objections, the Case Manager will determine if any reply is necessary. If so, the Case Manager may provide up to the same amount of time for reply from one or more parties, as was granted for the submission of objections. The Case Manager may issue a decision after reviewing any objections and any reply.



**Darrell Le Houillier, Chair**