

ENVIRONMENTAL APPEAL BOARD

HOW TO START AN APPEAL under the *WATER ACT*

This information sheet provides an overview of the process for commencing an appeal under the *Water Act*. If you have legal questions regarding an appeal, you should contact a lawyer.

What decisions may be appealed?

Certain orders of the comptroller, the regional water manager or an engineer ([see *Water Act*, section 92](#)).

Who may appeal the decision?

(a) A person subject to the order or decision; (b) an affected property owner; or (c) a licensee, riparian owner or an applicant for a licence who considers that their rights are or will be prejudiced by the order or decision.

How do I start an appeal?

To start an appeal, you must deliver a notice of appeal to the Board's office within 30 days of receiving notification of the decision you wish to appeal (Board's address below). There is no special form for the notice of appeal but it **MUST**

- be in writing, and
- be signed by the person appealing, or that person's lawyer or other agent.

In addition, the notice of appeal **MUST** include the following:

1. the name, address and phone number of the person appealing, along with the name, address and phone number of anyone representing him or her (e.g., lawyer or agent);
2. the address to which all official letters and documents are to be sent, and a fax number if available;
3. details of the decision being appealed (a copy of the decision being appealed should be provided, if possible);
4. the grounds for appeal (what is wrong with the decision);
5. a description of the relief requested (what decision do you want the Board to make); and
6. a cheque, bank draft or money order for \$25 for each decision being appealed, payable to the Minister of Finance. The Board does not have the discretion to waive this appeal fee.

The notice of appeal must be delivered to the Board's office by Registered Mail or by personal delivery during normal business hours (8:30 am – 4:30 pm, Monday through Friday, excluding public holidays). The Board will also accept a notice of appeal by regular mail or by facsimile, with the original notice of appeal and the appeal fee to follow by mail.

What happens if the notice of appeal is not complete?

The Board will send a letter explaining the deficiencies in the notice of appeal. Until they are corrected, the Board is not obliged to proceed with the appeal.