

TOQUAHT NATION GOVERNMENT

Enacted under the Administrative Decisions Review Act section 5.6

**REVIEW BOARD FORMS AND FEES
REGULATION**

TNR 5/2014



This regulation enacted on May 27th, 2014

Anne Mack

Signed _____
Anne Mack, a wil of the Toquaht Nation

DEPOSITED IN THE
REGISTRY OF LAWS

ON July 29th, 2014

Kristen Johnson

Signature of Law Clerk

TABLE OF CONTENTS

PART 1 - INTRODUCTORY PROVISIONS.....	5
Short title	5
Application	5
Definitions	5
PART 2 - ADMINISTRATION.....	7
Review Board office operation manual	7
Review officer instructions.....	7
PART 3 - PRESCRIBED MATTERS.....	9
Prescribed forms.....	9
Fees.....	9
PART 4 - FORM PREPARATION AND COMPLETION	11
Completion of review request form.....	11
Format	11
Abbreviations	11
Use of seal	12
English language.....	12
SCHEDULE 1 - FORMS	13
SCHEDULE 2 – FEES	25

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This regulation may be cited as the Review Board Forms and Fees Regulation.

Application

1.2 This regulation prescribes

- (a) the forms for filing a review request under section 3.1 of the Act,
- (b) the manner in which forms under the Act must be completed, and
- (c) fees for filing a review request and other documents relating to the review request.

Definitions

1.3 In this regulation:

“Act” means the Administrative Decisions Review Act TNS 7/2011;

“attachment” means an attachment to a review request form allowed under, and in the form prescribed under, section 3.1(c);

“instructions” means instructions issued by the review officer in accordance with section 2.2;

“operation manual” means the “Review Board Operation Manual” prepared by the review officer in accordance with section 2.1;

“review request form” means the form prescribed under section 3.1(b).

PART 2 - ADMINISTRATION

Review Board office operation manual

- 2.1 (a) The review officer must prepare and maintain a current Review Board operation manual respecting every element of the Review Board operations and systems, including any instructions issued by the review officer under section 2.2.
- (b) The operation manual must be made available to all members of Council, the Executive and any committee of Council whose mandate pertains to the office of the Review Board.
- (c) If any part of the operation manual is relevant to the services being provided by a contractor or agent of the Toquaht Nation, that part of the operation manual must be made available to that contractor or agent.
- (d) If any part of the operation manual is relevant to a person seeking a review request, that part of the operation manual must be made available to that person.

Review officer instructions

- 2.2 (a) Subject to subsection (b), the review officer may from time to time issue instructions for the completion of forms prescribed by this regulation.
- (b) Instructions issued by the review officer under subsection (a) must
- (i) not be inconsistent with the Act, these regulations or any other Toquaht enactment,
 - (ii) be in writing and added to the operation manual in a segment entitled "Review Officer Instructions", and
 - (iii) be complied with, if applicable to the form, by all persons submitting a form to the review officer.

PART 3 - PRESCRIBED MATTERS

Prescribed forms

- 3.1 (a) Forms numbered RB-1 to RB-4 in Schedule 1 are prescribed for the purposes of section 3.1 of the Act.
- (b) A review request must be in Form RB-1.
- (c) Nothing may be attached to a review request form except
- (i) one or more additional information pages in Form RB-2,
 - (ii) one or more schedules in Form RB-3, and
 - (iii) one or more affidavits under section 4.6(c) of the Act substantially in Form RB-4.
- (d) Every review request form and attachment must be executed and completed
- (i) in compliance with the Act, this regulation and the instructions, and
 - (ii) in substantial compliance with the operation manual.
- (e) An attachment that is an affidavit in Form RB-4 must be sworn on oath or affirmation before a lawyer, notary public or other person authorized by the Evidence Act (British Columbia) to take affidavits for use in British Columbia.

Fees

- 3.2 (a) An applicant must pay the applicable application fee and other fees as calculated in accordance with, and at the rates set out in, Schedule 2.
- (b) The fees set out in Schedule 2 are non-refundable.
- (c) For certainty, a Toquaht institution need not pay any fee contemplated in Schedule 2 unless that Toquaht institution is an applicant.

PART 4 - FORM PREPARATION AND COMPLETION

Completion of review request form

- 4.1 (a) A review request form and each attachment must be on durable paper 27.9 cm x 21.5 cm in size.
- (b) A review request form and each attachment must be completed
- (i) by printing or typing in legible characters of 10 or 12 pitch, but not smaller than 12 point, and
- (ii) by printing or typing in black or dark ink that is compatible for electronic scanning, optical character recognition or micrographic technology of the kind used in the Review Board office.
- (c) A review request form must contain a blank space not less than 3 cm deep and 7.6 cm wide in the top right corner of the first page for use by the review officer.
- (d) The name, address and professional capacity of the individual witnessing the signature of a person or other party on an attachment in Form RB-4 must be typed or printed immediately below the signature of the individual.

Format

- 4.2 (a) The space provided for the completion of any item of the review request form or an attachment may be expanded or reduced as the circumstances require so long as
- (i) in the case of a review request form in Form RB-1, the expansion does not make the form longer than one page, or
- (ii) in the case of an attachment in Form RB-2, the expansion does not make the form longer than four pages or result in printing part of an item on one page with the balance of the item on another page.
- (b) Nothing in subsection (a) operates to limit the effect of subsection 3.1(c).

Abbreviations

- 4.3 An abbreviation of any word on a review request form must not be used unless
- (a) the abbreviation is permitted by the review officer, and
- (b) the abbreviation does not obscure the meaning, intent or legal effect of the review request form.

Use of seal

- 4.4 Where a review request form is executed under seal, the seal must be affixed in a way that does not render the review request form or any part of it illegible.

English language

- 4.5 Every form and instrument to be filed, lodged or deposited under the Act with the review officer must, unless the nature of the form or instrument renders it impractical, be in the English language.

SCHEDULE 1 - FORMS

RB-1 – Review Request

RB-2 – Additional Information

RB-3 – Schedule

RB-4 – Affidavit

RB-1 – REVIEW REQUEST

<p>TOQUAHT NATION</p> <p>Administrative Decisions Review Act Review Board Forms Regulation Form RB-1</p> <p>REVIEW REQUEST</p>		<p>Date received:</p> <p>File no:</p> <p><input type="checkbox"/> Application fee received</p> <p><i>(for Review Officer use only)</i></p>
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I, _____ (*Name of Applicant*) hereby request the review of the following decision, or, request to challenge the validity of the following law: (*Describe decision to review or law you wish to challenge*)

APPLICANT'S CONTACT INFORMATION

Full legal name:	
Citizenship No.:	
Phone #s:	
Address for delivery:	
Email Address:	

The date on which I was notified of the decision, the date I became aware of the effect of impugned law on my interest(s) or the date which the impugned law came into force was: _____

The basis for the review request is:

[Attachments must be in Forms: RB-2 Additional Information, RB-3 Schedule(s), RB-4 Affidavit(s)]

I acknowledge that this review request is subject to the requirements of the Administrative Decisions Review Act, and that acceptance for filing is not indication that the requirements have been met.

Signature: _____ Date: _____

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RB-2 – ADDITIONAL INFORMATION

<p>TOQUAHT NATION</p> <p>Administrative Decisions Review Act Review Board Forms Regulation Form RB-2</p> <p>ADDITIONAL INFORMATION</p>		<p>Date received:</p> <p>File no:</p> <p><i>(for Review Officer use only)</i></p>
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I, _____ (*Name of Applicant*) submit the following additional information to my
Review Request dated _____.

[In accordance with section 4.2 of the regulation, this form must be a maximum of four pages long, and an item must not be split between pages]

Signature: _____ Date: _____

Page __ of __

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Form RB-2
Additional Pages

Page __ of __

Form RB-2
Additional Pages

Signature: _____ Date: _____

Page __ of __

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RB-3 – SCHEDULE

<p>TOQUAHT NATION</p> <p>Administrative Decisions Review Act Review Board Forms Regulation Form RB-3</p> <p>SCHEDULE</p>		<p>Date received:</p> <p>File no:</p> <p><i>(for Review Officer use only)</i></p>
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RB-4 – AFFIDAVIT

<p>TOQUAHT NATION</p> <p>Administrative Decisions Review Act Review Board Forms Regulation Form RB-4</p> <p>AFFIDAVIT</p>		<p>Date received:</p> <p>File no:</p> <p><i>(for Review Officer use only)</i></p>
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Sworn the [day] day of [year]

AFFIDAVIT OF [FULL NAME]

I, [full name], of [address], MAKE OATH AND SAY OR AFFIRM THAT:

1. I am [role in proceedings] and as such have personal knowledge of the facts and matters hereinafter deposed to save and except where stated to be based on information and belief, and where so stated, I verily believe to be true.
2. [additional paragraphs]
3. [additional paragraphs]

SWORN/AFFIRMED BEFORE ME at)
 [city/town] in the Province of British Columbia,)
 this [day] day of [year].)
) _____)
) [FULL NAME])
)
 _____)
 A Commissioner for taking Affidavits for)
 British Columbia)
)

SCHEDULE 2 – FEES

Fee Category	Act Section	Fee Amount	Comment
Review Request (including any attachments)	3.1	\$50.00	Certified cheque, money order or cash
Withdrawal	3.5(a)(i)	\$25.00	Certified cheque, money order or cash