



Requests for Board Review (Approvals, Registrations and Authorizations) Agricultural Operation Practices Act (Section 25)

Fact Sheet

Who can file a request for review (RFR)?

- Parties who the approval officer has determined are directly affected may request a review of the approval officer's decision on the permit application. Operators and the municipality are automatically considered directly affected.
- A party who the approval officer found was not directly affected may file an RFR and ask the Board to reconsider their status. The RFR must include written reasons that explain why they should be considered directly affected and why they wish to request a review of the approval officer's decision on the permit application. If the Board determines that the party is directly affected, it will consider the merits of the party's RFR.

What to include in an RFR

- The RFR must include sufficient information to show that the approval officer's decision did not adequately address an issue, and must clearly state the reasons the party believes that the decision should be reviewed by the Board.
- Forms for requesting a Board review are available on the NRCB website or may be obtained by contacting the Manager, Board Reviews. These forms may be handwritten or typed.
- Information required to request a Board review is prescribed by the *Agricultural Operation Practices Act*. The RFR form prompts applicants to provide the information required by the act. For assistance, contact information is provided on the form along with details for filing the form with the Board.

When must parties file an RFR?

- The RFR filing deadline is set out in the approval officer's decision cover letter. An RFR received after the deadline will not be considered.

Notice of RFR

- On the day following the RFR deadline, the Board issues a letter of notice that the Board has received requests to review the decision. The notice letter is sent to the parties that submitted RFRs, the operator, and the directly affected parties referenced in the approval officer's decision.

Rebuttals

- The notice letter advises that any directly affected parties adversely affected by the positions presented in the RFRs may submit a rebuttal within a specified deadline (typically five working days from the date of the notice letter).
- The Board provides a copy of each rebuttal to all parties when it issues its written decision to dismiss the requests for review or schedule a review. Parties do not have an opportunity to reply to any rebuttals received.

Board decision to deny an RFR or schedule a review

- After the rebuttal deadline is past, but within 10 working days of the RFR filing deadline specified by the approval officer, the Board meets to deliberate on the requests. The Board considers the RFRs, rebuttals received, the requests for directly affected party status, relevant aspects of the approval officer's decision, and the public documents in the approval officer's records.
- Based on the full record, the Board determines whether to dismiss the requests for review or to schedule a review, and issues its reasons in a decision document.
- If a review is granted, the Board outlines the relevant issues that will be considered at the review. If a review is denied, the Board explains why the request was determined to have insufficient merit to proceed to a review.

- While the Board attempts to meet within 10 working days of the RFR deadline specified by the approval officer, it normally issues its decision to grant or deny the review after the 10 working day deadline. This timeframe enables parties to submit rebuttal submissions and allows for the time the Board requires to prepare the written decision document.
- The Board does not disclose its decision to dismiss a request for review or schedule a review before issuing its written decision on whether to grant or deny the review.

Scheduling a review

- If the Board grants a review, the written decision will state whether the review will be a written review, or if it will be an in-person, public hearing. If the review will be an in-person, public hearing, the Board will communicate the details to the involved parties. The Board attempts to schedule public hearings within the affected community.

Further information

- For more information, or if you have any other questions relating to Board reviews under the *Agricultural Operation Practices Act*, please contact:

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Fact sheets and other NRCB publications are available at www.nrcb.ca.

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