



# BRITISH COLUMBIA



# STOP WORK ORDER

No.

ORCS FILE NO.  
**23060-40/**

CASE FILE NO.

TO (NAME IN FULL)

STREET ADDRESS

CITY

PROVINCE

POSTAL CODE

I believe your activities at \_\_\_\_\_  
(LEGAL DESCRIPTION)

to be in contravention of :

NATURE OF ALLEGED CONTRAVENTION

SECTION ALLEGEDLY CONTRAVENED

OF THE ACTS / REGULATIONS

Therefore, under Section 66 of the *Forest and Range Practices Act (FRPA)*, I order you to **cease** the following activities on the date and to the extent specified:

DATE {YYYY – MM – DD}

This Stop Work Order shall remain in effect until:

If you disagree with this determination, you may request an appeal by submitting a written request to the Forest Appeals Commission at PO Box 9425 Stn Prov Govt,

Victoria, British Columbia V8W 9V1

The appeal request must be signed by you, or on your behalf, and must contain:

- a. your name and address; **AND** the name of the person, if any, making the request on your behalf;
- b. the address for serving a document to you;
- c. the grounds for appeal; and
- d. a statement of the relief requested.

The appeal **must be received** by the Forest Appeals Commission **no later than three weeks** after the date this notice of determination is given or delivered to you.

If you have new information that was not available at the time I made this determination, you may request a review of my determination on the basis of this new information. A request for such review must be in writing, must be signed by you, or on your behalf, and must contain:

- a. your name and address; **AND** the name of the person, if any, making the request on your behalf;
- b. the address for serving a document to you or the person acting on your behalf;
- c. the new evidence that was not available at the time this determination was made; and
- d. a statement of the relief requested.

This request must be directed to me, at \_\_\_\_\_ and I must receive it **no later than three weeks** after the date this notice of determination is given or delivered to you.

**NOTE: A request for review or appeal of a Stop Work Order does NOT postpone the Order**

OFFICIAL'S SIGNATURE

PRINTED NAME OF OFFICIAL

DATE SIGNED  
YYYY – MM – DD

RECEIVED BY (SIGNATURE)

PRINTED NAME

DATE SIGNED  
YYYY – MM – DD



BRITISH  
COLUMBIA



# STOP WORK ORDER

No. 23

ORCS FILE NO.

**23060-40/ DQU-22305**

CASE FILE NO.

DQU-22305

TO (NAME IN FULL)

Zenith Industries, Inc.

STREET ADDRESS

General Delivery

CITY  
Hixon

PROVINCE  
B.C.

POSTAL  
V2E1T0

I believe your activities at Block 1, Cutting Permit 708, Forest Licence A12345 at 205.5 km Mugwump FSR

(LEGAL DESCRIPTION)

to be in contravention of :

NATURE OF ALLEGED CONTRAVENTION	SECTION ALLEGEDLY CONTRAVENED	OF THE ACTS / REGULATIONS
Machine traffic within 5 m of stream	11(1)	Timber Harvesting and Silviculture Practices Reg
Connect to Forest Service Road without consent	23(1)	Forest and Range Practices Act
Fail to mark wildlife trees and Wildlife Tree Patches	7(1)	Timber Harvesting and Silviculture Practices Reg

Therefore, under Section 66 of the *Forest and Range Practices Act (FRPA)*, I order you to **cease** the following activities on the date and to the extent specified:

	DATE {YYYY-MM-DD}
Cease all machine activity within five (5) metres of any and all streams immediately	2004-08-25
Cease all construction of in-block roads connecting to the Mugwump FSR immediately	2004-08-25
Cease all felling of wildlife trees and trees within wildlife patches as identified in the FSP	2004-08-25

This Stop Work Order shall remain in effect until:

The road a stream crossing location is marked so that it is clearly visible

The Minister or his delegate has authorized the connection of in-block roads to the Mugwump FSR

All individual wildlife trees and the boundaries of wildlife tree patches are clearly marked

If you disagree with this determination, you may request an appeal by submitting a written request to the Forest Appeals Commission at PO Box 9425 Stn Prov Govt, Victoria, British Columbia V8W 9V1

The appeal request must be signed by you, or on your behalf, and must contain:

- your name and address; **AND** the name of the person, if any, making the request on your behalf;
- the address for serving a document to you;
- the grounds for appeal; and
- a statement of the relief requested.

The appeal **must be received** by the Forest Appeals Commission **no later than three weeks** after the date this notice of determination is given or delivered to you.

If you have new information that was not available at the time I made this determination, you may request a review of my determination on the basis of this new information. A request for such review must be in writing, must be signed by you, or on your behalf, and must contain:

- your name and address; **AND** the name of the person, if any, making the request on your behalf;
- the address for serving a document to you or the person acting on your behalf;
- the new evidence that was not available at the time this determination was made; and
- a statement of the relief requested.

This request must be directed to me, at the Quesnel Forest District, 322 Johnstone Ave., Quesnel, B.C. V2J 3M5 and I must receive it **no later than three weeks** after the date this notice of determination is given or delivered to you.

**NOTE: A request for review or appeal of a Stop Work Order does NOT postpone the Order**

OFFICIAL'S SIGNATURE <b>Ian Douglas</b>	PRINTED NAME OF OFFICIAL Ian DOUGLAS	DATE SIGNED YYYY-MM-DD 2004-08-25
RECEIVED BY (SIGNATURE) <b>RJRadnoff</b>	PRINTED NAME Rick RADNOFF	DATE SIGNED YYYY-MM-DD 2004-08-25

# GUIDANCE ON ISSUING STOP WORK ORDERS (SWOs)

## AUTHORITY

- Section 66 of the *Forest and Range Practices Act* (FRPA.)
- FRPA section 66, authorizes SWOs only where an official has reasonable grounds to believe that a person is contravening a provision of the Acts (FRPA, FPC, *Forest Act*, or *Range Act*).
- Always refer to the most current version of the legislation.

## IMPLICATIONS

- A SWO can have serious financial implications for licensees, mills and workers. Accordingly, a SWO must be used judiciously; it must be reasonable, appropriate and defensible.
- Upon issuing a SWO, an official should immediately advise management in his/her office.

## SCOPE

- The SWO must be limited to activities that constitute an alleged contravention of the Acts and specify the extent to which these activities must cease.
- A SWO is an order made by an official. Accordingly, the person must be given an opportunity to be heard. For SWOs, this is normally a fairly informal or quick process— i.e., an opportunity to respond in conversation to the pending SWO. This must be documented.
- Keep in mind that a SWO is not a Remediation Order, which can only be issued by the Minister or his/her delegate.

## WHEN IS A STOP WORK ORDER APPROPRIATE?

- The particular activity must constitute an alleged contravention of one of the Acts.
- Do not issue a SWO for alleged contraventions of Section 46 of FRPA without consulting Legal Services Branch of the Ministry of Attorney General or Compliance and Enforcement Branch of the Ministry of Forests.

## WHO CAN ISSUE A STOP WORK ORDER?

- Only a designated "official" (an employee designated by name or title) can issue a SWO.

## WHO SHOULD YOU ISSUE THE STOP WORK ORDER TO?

- Where the person contravening is an individual, the SWO should name that individual.
- Where the person contravening is an employee or contractor of a corporation or partnership (e.g., major licensee, BCTS operator), the SWO should name the individual " \_\_\_\_\_ in their personal capacity and as a representative of \_\_\_\_\_". The SWO can be given to this person on site, however he official must then notify the corporation or partnership within 72 hours, pursuant to Section 66(4) of FRPA.
- If the person is not willing to give his/her name, the SWO should be issued to "All persons engaged in \_\_\_\_\_ activities at \_\_\_\_\_."

## OTHER ENFORCEMENT ACTIONS

- A SWO is a moderately severe enforcement action, one of approximately 25 enforcement options. Other enforcement actions may also be taken.

## WHEN DOES A STOP WORK ORDER EXPIRE?

- Attempt to write the SWO so that it expires automatically when specific conditions are met — e.g., when a permit is approved.
- The SWO expires when the conditions have been met, either automatically or when an official is satisfied that the conditions have been met, depending on how you have written the conditions.
- Section 66 (6) of FRPA provides for the issuing official or minister's delegate to rescind the SWO if either determine that there were insufficient grounds for issuing the order.

## VERBAL STOP WORK ORDERS

- There is no longer any such thing as a Verbal Stop Work Order. ***All Stop Work Orders must be in writing.***

## REVIEW/APEAL PROCESS

- Unlike other determinations, a SWO is not stayed by the review/appeal process. Therefore, a SWO is effective on the date you state on the SWO form.
- The subject of a SWO can request a review of a SWO, if they have new information that was not available at the time the determination to issue the SWO was made. Where this occurs, the issuing forest official is the review official. The issuing official will first determine whether the information put forward was available at the time the SWO was issued. Where the information is not new to the issuing official, the SWO will continue. Where the information is new, the official has two options. The official may rescind the SWO in light of the new information, or the official may determine that the new information does not cause him/her to change their decision with respect to the SWO, and it will continue. In all cases, where the official either determines that the information is not new, or that the information is new and the SWO will continue despite the new information, or that the SWO will be rescinded, the decision of the official must be provided to the person requesting the review **in writing**

## WHERE THE PERSON IGNORES THE SWO

- If a person continues the activity in defiance of the SWO, the district should immediately contact the Regional C&E Leader who will assist the district in taking appropriate action.