

**KA:'YU:'K'T'H'/CHE:K'TLES7ET'H' FIRST NATIONS  
GOVERNMENT**

**Enacted under the Administrative Decisions Review Act section 5.6**

**REVIEW BOARD FORMS AND FEES  
REGULATION**

**KCFNR 19/2018**



This regulation enacted on **April 20, 2018**

Signed *Peter Hanson*  
Peter Hanson, Legislative Chief,  
Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations

DEPOSITED IN THE  
REGISTRY OF LAWS  
ON 23/04/2018  
*Marsha Best*  
Signature of Clerk



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## 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 KCFNS 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 clerk in accordance with section 2.2;

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

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



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## PART 2 - ADMINISTRATION

### Review Board office operation manual

- 2.1 (a) The clerk 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 clerk under section 2.2.
- (b) The operation manual must be made available to all members of the Legislature, the Executive and any committee of the Legislature 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 Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, 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.

### Clerk instructions

- 2.2 (a) Subject to subsection (b), the clerk may from time to time issue instructions for the completion of forms prescribed by this regulation.
- (b) Instructions issued by the clerk under subsection (a) must
- (i) not be inconsistent with the Act, these regulations or any other Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment,
  - (ii) be in writing and added to the operation manual in a segment entitled "Clerk Instructions", and
  - (iii) be complied with, if applicable to the form, by all persons submitting a form to the clerk.





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## 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 4.7(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 Ka:'yu:'k't'h'/Che:k'tles7et'h' institution need not pay any fee contemplated in Schedule 2 unless that Ka:'yu:'k't'h'/Che:k'tles7et'h' institution is an applicant.



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## 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 clerk.
- (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 clerk, 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 clerk 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><b>KA:'YU:'K'T'H'/CHE:K'TLES7ET'H'                  FIRST NATIONS</b></p>		<p><b>Date received:</b></p> <p><b>File no:</b></p> <p><input type="checkbox"/> Application fee received</p> <p><i>(for Clerk use only)</i></p>
<p><b>Administrative Decisions Review Act                  Review Board Forms Regulation                  Form RB-1</b></p>		<p><b>REVIEW REQUEST</b></p>

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)*

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**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:**

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[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**

<b>KA:'YU:'K'T'H'/CHE:K'TLES7ET'H' FIRST NATIONS</b>		<b>Date received:</b>  <b>File no:</b>  <i>(for Clerk use only)</i>
<b>Administrative Decisions Review Act Review Board Forms Regulation Form RB-2</b>		
<b>ADDITIONAL INFORMATION</b>		

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: \_\_\_\_\_

Form RB-2  
Additional Pages

Page \_\_ of \_\_

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**Form RB-2**  
**Additional Pages**

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Signature: \_\_\_\_\_


Date: \_\_\_\_\_

Page \_\_ of \_\_

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**RB-3 – SCHEDULE**

<p><b>KA:'YU:'K'T'H'/CHE:K'TLES7ET'H' FIRST NATIONS</b></p> <p><b>Administrative Decisions Review Act Review Board Forms Regulation Form RB-3</b></p> <p><b>SCHEDULE</b></p>		<p><b>Date received:</b></p> <p><b>File no:</b></p> <p><i>(for Clerk use only)</i></p>
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RB-4 – AFFIDAVIT

<p>KA:'YU:'K'T'H'/CHE:K'TLES7ET'H' FIRST NATIONS</p> <p>Administrative Decisions Review Act Review Board Forms Regulation Form RB-4</p> <p><b>AFFIDAVIT</b></p>		<p>Date received: File no:</p> <p>(for Clerk use only)</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 )





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**SCHEDULE 2 – FEES**

<b>Fee Category</b>	<b>Act Section</b>	<b>Fee Amount</b>	<b>Comment</b>
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