



SURFACE RIGHTS BOARD INFORMATION SHEET #12

RECONSIDERATION

The Board may, in limited circumstances, reconsider an order and then may decide to vary or rescind the order.

To reconsider, vary or rescind an order, the Board must be satisfied that any one of the following applies:

- There has been a change in circumstances since the original order;
- Evidence has become available that did not previously exist, or could not have been discovered with reasonable diligence when the original order was made; or
- The Board made a jurisdictional error including a breach of the duty of procedural fairness, or a patently unreasonable error of fact or law, or patently unreasonable exercise of discretion.

If a party feels the Board made an error in its decision that is not covered by the above three circumstances, the way to appeal is by judicial review to the Supreme Court of British Columbia. See Information Sheet #9 - Judicial Review.

To make an application for reconsideration, you must write to the Board setting out the reasons the Board should reconsider its decision. Include a statement of the alleged change of circumstance, summary of any new evidence, or details of the alleged jurisdictional error, as appropriate.

Provide a copy of the application to the Board and to each of the other parties to the original order. The Board will determine how to proceed on a case by case basis and advise the parties whether or not it will reconsider its order. If the Board does grant reconsideration, it will also advise as to the next steps, which may or may not involve further submissions from the parties or hearing proceedings.

For questions or other Information Sheets, please contact us or see our web site at:

SURFACE RIGHTS BOARD

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| 1270 – 605 Robson Street Vancouver, B.C. V6B 5J3 | Telephone: 604-775-1740 Facsimile: 604-775-1742 Toll-Free Telephone: 1-888-775-1740 Toll-Free Facsimile: 1-888-775-1742 |
| E-Mail: office@surfacerightsboard.bc.ca Web Site: www.surfacerightsboard.bc.ca | |
| Application Forms and Information Sheets are available from any Service BC Centre (Government Agent) and Applications may be delivered to the Board either directly or through Service BC | |