



# Energy Resource Appeal Tribunal

Fourth Floor, 747 Fort Street, Victoria BC V8W 3E9

Tel: (250) 387-3464

[bcerat.ca](http://bcerat.ca)

Fax: (250) 356-9923

[info@bcerat.ca](mailto:info@bcerat.ca)

## Adding Third Parties and Interveners to an Appeal

The Energy Resource Appeal Tribunal (the “Tribunal”) can add additional persons, groups, or companies to be heard in an appeal. This can be done in response to a request or on the Tribunal’s initiative.

### Parties and Interveners

In an appeal, parties can present evidence, make arguments, and challenge the evidence of other parties. There are always at least two parties to an appeal: the appellant (who filed the appeal) and the respondent (who made the decision under appeal).

The Tribunal may also designate one or more third parties in an appeal. A third party is someone or an organization that may be directly affected by the Tribunal’s decision on the appeal. For example, if someone appeals a decision authorizing a company to install a pipeline, the company is recognized as a third party in the appeal.

Sometimes, the Tribunal may not know about someone’s stake in an appeal. People are welcome to apply to the Tribunal to become third parties.

The Tribunal can also allow interveners to be involved in an appeal. The Tribunal decides if, and how much, they are allowed to present or challenge evidence and make statements about the appeal.

The Tribunal may grant intervener status if it thinks the potential intervener can make a valuable contribution or bring a valuable perspective to the appeal. An intervener generally has some perspective or information that the Tribunal thinks will help it to decide the appeal.

### How to apply to be added as a party or intervener

You must make a written request to become a party or intervener in an appeal. You must include your name, address, telephone number and your email, if you have one. You must explain your interest in the appeal and what useful information you have for the Tribunal. You must explain why you should be added as a party or intervener. Lastly, if you want to be added as an intervener, you have to say how you want to take part in the appeal (to make a statement, present evidence, or challenge evidence provided by parties).

Where someone requests to be added as a party, the Tribunal will consider whether they could have appealed the decision and how much its decision may affect them. Third party

status is reserved for those who may be directly and significantly affected by the Tribunal's decision.

The Tribunal will consider several things when deciding someone's request to be added as an intervener, including:

- where the appeal is in its process;
- the impact on the appeal and the parties of adding the person to the appeal;
- the impact that the Tribunal's decision might have on the person;
- how this person will give information or a perspective that will help the Tribunal decide the appeal;
- whether the person's information or perspective can be provided by someone else already involved in the appeal; and
- the degree of participation requested by the person.

The Tribunal will provide a written decision on the request. The Tribunal will tell the person how they may take part in the appeal if it grants their request.