



How to appeal an LAC decision

Operators may appeal decisions made by Manitoba Conservation and Water Stewardship's Licensing Advisory Committee, in relation to their Resource Tourism Operator's licenses, and the terms and conditions of those licenses.

Appeals must be made within **30 days** of when you first received notice of the initial decision.

You may appeal the following types of decisions:

- (a) the refusal of an application for a licence or permit;
- (b) the imposition of terms or conditions on a licence or permit issued;
- (c) the refusal of an application to transfer a licence or permit or the imposition of conditions on a transfer;
- (d) the suspension or cancellation of a licence or permit;
- (e) the refusal to renew a licence or a permit.

Notice of appeal

An appeal must be made by giving the chair of the appeal committee written notice of the appeal no later than **30 days** after you receive notice of the decision.

Appeals may be made in writing to the Resource Tourism Appeal Committee by contacting:

Chair, Resource Tourism Appeal Committee
Assistant Deputy Minister
Manitoba Conservation and Water Stewardship
Box 38, 200 Saulteaux Crescent
Winnipeg, MB, R3J 3W3

Appeal committee

Your appeal will be heard by a committee that consists of, at minimum, one nominee from MLOA; one nominee from the Manitoba Wildlife Federation; and one member of the public at large, appointed by the minister. There can be up to four other members of the public appointed by the minister, although it is optional to fill those seats at any given time.

Hearing

The appeal committee will arrange a date for the hearing and will provide you with at least 14 days' notice of the date, time and place. The committee may conduct a hearing orally, including by telephone, or in writing; or partly orally and partly in writing.

Decision

After a hearing, the appeal committee may:

- (a) quash, vary or confirm the decision under appeal; or
- (b) substitute any decision that could have been made in the first instance.

The appeal committee will notify you in writing of its decision. The appeal committee's decision is **final**. The only recourse available to either the government or the applicant following an appeal committee decision would be a challenge of that decision to the Court of Queen's Bench. That is obviously very rare, but is a legal option.

What to include in your appeal

When considering your grounds for appeal, please keep in mind that these (below) are the legal criteria the LAC members are bound to consider when initially deciding on your application:

- (a) whether the natural resources of the surrounding area can sustain the facility or outfitting service proposed by an applicant;
- (b) whether the proposed facility or outfitting service will have a significant negative impact on recreational activities in the area;
- (c) whether the past or present conduct of the proposed owners and managers affords reasonable grounds for belief that the applicant will operate the proposed facility or outfitting service with integrity and honesty;
- (d) whether the proposed facility or outfitting service will conflict with uses established for land or water in the area;
- (e) any other factor the committee considers relevant in the circumstances.

If, based on these criteria, you believe your application should have been approved or had fewer conditions attached, please briefly explain in your appeal letter how you think you've met each of the relevant criteria. You can also explain your position on anything you believe may have been a stumbling block with your initial application.

If you believe a conflict with another user may have been part of the problem but you have made efforts to resolve that conflict with the other user, then consider having that person offer their written support for your application, if you believe they would be willing.

If you were not given a clear indication in your notice of decision as to why your application was denied or a condition imposed, then indicate exactly that in your appeal, and ask that the LAC provide evidence to the appeal committee that sufficient grounds existed to deny or restrict your license.

Questions

If you have any questions about the appeal process, please contact the MLOA office at 204-772-1912 or send an email to mloa@mloa.com