



# NOTICE OF APPEAL

## Compliance Fee

Beverage Container Management Board

PLEASE READ ENTIRE DOCUMENT PRIOR TO COMPLETING



## Compliance Fee Notice of Appeal

Instruction Letter

[www.bcmb.ab.ca](http://www.bcmb.ab.ca)

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**Important! The Notice of Appeal, compliance fee and Appeal Fee must be submitted to the BCMB within 30 days of the date the notice of compliance fee is deemed to have been received by the person who is appealing.**

This Notice of Appeal is to be completed and submitted to the BCMB when a Depot/Retailer wishes to appeal a compliance fee for one or more of the following reasons:

1. The BCMB did not have the authority to issue the notice of compliance fee;
2. The BCMB failed to follow its own procedures, and that this failure had, or may reasonably have had, a material effect on the decision to issue the notice of compliance fee;
3. The issuance of the notice of compliance fee was influenced by bias;
4. The BCMB failed to consider relevant information or took into account irrelevant information in issuing the notice of compliance fee.

### ***Compliance Fee Notice of Appeal Process***

The process to appeal a compliance fee is as follows:

1. Complete the PDF fillable forms attached to this document. No handwritten documents will be accepted.
2. Required supporting documentation: all items as listed in the checklist of the PDF fillable form must be attached.
3. Confirmation boxes in lieu of signature. You will be required to check the box on each page to confirm that the information you have submitted is accurate and submitted by you as the Appellant.
4. Submit payment. The compliance fee which you are appealing must be submitted along with the Appeal Fee of \$500.00 to be non-refundable upon the appeal being rejected by the Appeal Panel or refunded upon the appeal being upheld by the Appeal Panel. Both fees must be submitted within one week of submitting the application. Fees can be paid via cheque made out to the Beverage Container Management Board, credit card, e-Transfer or EFT payment. Please be sure to include the name of your Depot/Retail Location, invoice numbers of compliance fees being appealed and that you are paying for a compliance fee Appeal with the cheque if you choose to pay via cheque. Details on how to pay via e-transfer, credit card or EFT can be found by contacting the BCMB Finance department by email to [finance@bcmb.ab.ca](mailto:finance@bcmb.ab.ca).
5. The completed Application must be submitted to the BCMB via email only. No paper copies will be accepted. Please send your completed Compliance Fee Appeal Application to [info@bcmb.ab.ca](mailto:info@bcmb.ab.ca).
6. Once you have successfully submitted your application, you will be contacted by a BCMB staff member within 30 days.

If you have any questions regarding these criteria, or any other portion of the attached application package, please contact the BCMB Compliance/Registrations team at 1-888-424-7671. Further contact information is also available on the BCMB website at [www.bcmb.ab.ca](http://www.bcmb.ab.ca).

### DEFINITIONS

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Below is a list of definitions used throughout this document. These definitions are used in BCMB by-laws except where noted.

1. "Appeal Panel" means a panel appointed by the Chair of the Compliance Committee, consisting of at least two members of the Compliance Committee\*.  
*\*This definition is not included in BCMB by-laws but is included in the definitions listed in this document for clarity*
2. "Appellant" means an individual that appeals a decision; in this document, an individual who appeals a compliance fee\*.  
*\*This definition is not included in BCMB by-laws but is included in the definitions listed in this document for clarity*
3. "BCMB" means the Beverage Container Management Board. The BCMB is a management board within the meaning of the Environmental Protection and Enhancement Act (Alberta) whose mandate is to regulate and enhance a leading beverage container system that protects Alberta's environment.
4. "Depot" means a place operated as a business for the collection of empty Containers.
5. "Retailer" is defined in the Beverage Container Recycling Regulation as a person who sells beverage containers to consumers.
6. "Grounds" means the reason or cause for an action taken; in this document, the reason for submitting a compliance fee appeal (grounds of appeal)\*.  
*\*This definition is not included in BCMB by-laws but is included in the definitions listed in this document for clarity*



## COMPLIANCE FEE NOTICE OF APPEAL

### APPELLANT INFORMATION

Depot/Retail Location Name:

Appellant Name  
(First and Last):

Appellant Email  
Address:

Appellant Telephone  
Number:

Appellant Fax  
Number (Optional):

### Appellant Mailing Address

Address:

City/Town:

Province:

Postal Code:

### COMPLIANCE FEE INFORMATION

Compliance Fee Date, Framework  
and Level Entered:

*I, the Appellant, confirm that the information provided above is true and accurate*

**GROUNDS OF APPEAL**

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As per Section 11.4 of the Fee By-law, a notice of compliance fee can only be appealed on the following grounds. Please indicate below by checking the box beside the grounds, the grounds on which you are appealing the notice of compliance fee:

The BCMB did not have the authority to issue the notice of compliance fee.

The BCMB failed to follow its own procedures, and that this failure had, or may reasonably have had, a material effect on the decision to issue the notice of compliance fee.

The issuance of the notice of compliance fee was influenced by bias.

The BCMB failed to consider relevant information or took into account irrelevant information in issuing the notice of compliance fee.

**If necessary, please elaborate on the grounds of appeal below:**

*I, the Appellant, confirm that the information provided above is true and accurate*

**EVIDENCE SUPPORTING THE GROUNDS OF APPEAL**

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Provide all supporting evidence as attachments to this document upon submission to the BCMB. Please outline below each document and the relevance it has on your grounds of appeal:

*I, the Appellant, confirm that the information provided above is true and accurate*



## COMPLIANCE FEE NOTICE OF APPEAL

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### AUTHORIZATIONS

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By checking the authorization boxes below, I, \_\_\_\_\_, confirm that:

Appellant

**I understand and acknowledge that the Beverage Container Management Board may request the submittal of additional information considered necessary to complete this application;**

**I have submitted this application in accordance with and will abide by the Beverage Container Recycling Regulation, all BCMB by-laws, policies, guidelines and approved agreements;**

**The information and supporting documents submitted in relation to this application are truthful and accurate;**

**I have the authority to submit this application.**

*I, the Appellant, confirm that the information provided above is true and accurate*



## COMPLIANCE FEE NOTICE OF APPEAL

### PRIVACY STATEMENT

The Beverage Container Management Board (BCMB) recognizes that the confidentiality of an individual’s personal information is important, and we respect the privacy of all our stakeholders. As a Delegated Administrative Authority for Alberta Environment and Parks, the BCMB is subject to the *Freedom of Information and Protection of Privacy Act*. Any personal information that the BCMB requests from you is collected and managed in compliance with Alberta’s *Freedom of Information and Protection of Privacy Act*, which states: "No personal information may be collected by or for a public body unless that information is necessary for an operating program or activity of the public body."

We do not collect personal information for commercial marketing. We may share the personal information you give us with government departments or agencies, our Collection System Agents, a Collection Service Provider or the Alberta Bottle Depot Association if your inquiry relates to that entity and the sharing is permitted by law.

### FOR BCMB OFFICER USE ONLY

Fee Amount Received \_\_\_\_\_

Invoice # \_\_\_\_\_

Description \_\_\_\_\_

BCMB Officer \_\_\_\_\_



## REQUIRED DOCUMENTS CHECKLIST

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The following items **MUST** be included with the notice of appeal.

### **Completed Notice of Appeal Form**

Please review to confirm you have completed the entire form and checked all authorization boxes.

### **Payment of Compliance Fee**

Fee as specified in the Notice of Compliance Fee that is being appealed.

### **Payment of Appeal Fee**

Fee of \$500.00 as per Section 11.1 of the Fee By-law; to be non-refundable upon the appeal being rejected by the Appeal Panel or refunded upon the appeal being upheld by the Appeal Panel.

### **Evidence Supporting the Grounds of Appeal**

Any documents that serve as evidence that support the Appellant's grounds of appeal. Please ensure that any documents included are outlined in this form under the "Evidence Supporting Grounds of Appeal" section.