

*FSPCF*



**Forestry Service Providers Compensation Fund**

**2018 Annual Report**

**Administrative Authority  
Eric van Soeren**



**FSPCF**

## **Forestry Service Providers Compensation Fund**

### **2018 Annual Report of the Authority**

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#### **General**

The Forestry Service Providers Compensation Fund (FSPCF) was created on March 30, 2012 by the *Forestry Service Providers Compensation Fund Regulation* (BC Reg. 64/2012) and was seeded with a contribution of \$5,000,000 provided by the provincial government. Its purpose is to provide relief to Contractors that provided Forestry Services and were not paid for those services because the recipient of the Forestry Services became Insolvent. Insolvency for the purposes of the FSPCF is defined in the FSPCF Administrative Agreement.

Forestry Services are limited to those defined in BC Regulation 3/2013, Section 3, and must have been provided to a tenure holder under the *Forest Act*. On December 7, 2016 BC Reg. 64/2012 was amended by BC Reg. 286/2016 to allow the inclusion of Silviculture Contractors' work as a prescribed activity included in the definition of eligible providers of Forestry Services under the FSPCF.

The FSPCF is administered by Eric van Soeren, the Authority appointed by the Minister of Forests, Lands, Natural Resource Operations and Rural Development under the *Forestry Service Providers Protection Act (FSPPA)*. Mr. van Soeren operates pursuant to an Administrative Agreement between the Authority and the provincial government. The Authority is not an agent of the government for the purposes of the *FSPPA* or the regulations under it. More detail on the FSPCF is available on the FSPCF website at [www.fspcf.com](http://www.fspcf.com).

#### **Sources of Funds for the FSPCF**

In addition to the \$5,000,000 seed money provided by the provincial government, the *FSPPA* contemplates other sources of funding. Part 2 of the *FSPPA* refers to "contributors" who will be identified by regulation and who will make contributions to the fund in accordance with the regulations. Additionally, the provincial cabinet may, by regulation, impose a levy on stumpage bearing timber that must be paid into the FSPCF. Finally, any amounts recoverable from an Insolvent Licensee relating to a financial loss for which a Forestry Service Provider has applied and received monies from the FSPCF, must be repaid to the FSPCF. To date a partial recovery has been received related to compensation paid because of the insolvency of two licensees. No further recoveries are expected.

During 2015 the provincial government provided a further \$1,000,000 to the FSPCF. In 2016 the provincial government provided a further \$1,000,000, to be divided equally

between the original General Compensation Fund and a newly created Silviculture Compensation Fund. In 2017 the provincial government provided a further \$350,000 to be allocated to the General Compensation Fund. In 2018 the FSPCF received a further \$500,000 from the provincial government to be split evenly between the General Compensation Fund and the Silviculture Fund. No additional contributors have been identified or stumpage levy created.

### **Activities of the FSPCF to date**

To date there have been three licensee insolvencies since the February 1, 2013 activation date of the FSPCF that resulted in compensation payments from the FSPCF. As of December 31, 2018, the Authority is not aware of any other insolvent licensees whose contractors may be eligible for compensation from the FSPCF.

### **FSPCF Account Balances as of December 31, 2018**

As of December 31, 2018, the market value of FSPCF fund balances are as follows:

#### **Account Balances**

FSPCF General Compensation Fund	\$7,415,094
FSPCF Silviculture Compensation Fund	<u>763,677</u>
<b>Total available funds</b>	<b><u>\$8,178,771</u></b>

#### **Distributions to beneficiaries to date**

Related to the insolvency of:

Greey Forest Products Ltd.	\$343,929
Less recovery	-\$6,531
International Aircraft Management Inc.	\$37,902
Murch Timber Ltd.	\$109,443
Less recovery	<u>-4,365</u>
<b>Total Net Distributions to beneficiaries</b>	<b><u>\$480,378</u></b>
 <b>Total available funds plus distributions</b>	 <b><u>\$8,659,149</u></b>

**FORESTRY SERVICE PROVIDERS COMPENSATION FUND**  
**Financial Statements**  
**Year Ended December 31, 2018**

**FORESTRY SERVICE PROVIDERS COMPENSATION FUND**

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Year Ended December 31, 2018**

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\*Alnashir Rashid, CPA, CGA



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## INDEPENDENT AUDITOR'S REPORT

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To the Authority of Forestry Service Providers Compensation Fund

We have audited the accompanying financial statements of Forestry Service Providers Compensation Fund, which comprise the statement of financial position as at December 31, 2018 and the statements of revenues and expenditures, changes in net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

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Independent Auditor's Report to the Authority of Forestry Service Providers Compensation Fund *(continued)*

Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Forestry Service Providers Compensation Fund as at December 31, 2018 and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Richmond , British Columbia  
January 31, 2019

*Schroeder Rashid LLP*

**CHARTERED PROFESSIONAL ACCOUNTANTS**

**FORESTRY SERVICE PROVIDERS COMPENSATION FUND**

**Statement of Financial Position**

**December 31, 2018**

	2018	2017
<b>ASSETS</b>		
<b>CURRENT</b>		
Cash	\$ 12,307	\$ 10,152
Investments - current portion (Note 5)	<u>2,095,234</u>	<u>1,314,307</u>
	2,107,541	1,324,459
<b>INVESTMENTS (Note 5)</b>	<u>6,079,683</u>	<u>6,196,857</u>
	<u>\$ 8,187,224</u>	<u>\$ 7,521,316</u>
<b>LIABILITIES</b>		
<b>CURRENT</b>		
Accounts payable and accruals	\$ 7,245	\$ 7,245
Due to related party (Note 6)	<u>1,208</u>	<u>354</u>
	8,453	7,599
<b>NET ASSETS</b>		
Restricted	<u>8,178,771</u>	<u>7,513,717</u>
	<u>\$ 8,187,224</u>	<u>\$ 7,521,316</u>

**APPROVED BY THE AUTHORITY**

 Authority

The accompanying notes are an integral part of the financial statements.



**FORESTRY SERVICE PROVIDERS COMPENSATION FUND****Statement of Revenues and Expenditures****Year Ended December 31, 2018**

	Silviculture Fund	General Fund	2018	2017
<b>REVENUE</b>				
Grant revenue	\$ 250,000	\$ 250,000	\$ 500,000	\$ 350,000
Interest income	14,708	168,572	183,280	170,935
	<u>264,708</u>	<u>418,572</u>	<u>683,280</u>	<u>520,935</u>
<b>EXPENSES</b>				
Authority fees (Note 6)	1,390	12,506	13,896	10,325
Bank charges and interest	200	200	400	400
Goods and Services Tax (Note 8)	113	950	1,063	1,320
Office	-	19	19	-
Compensation payments (recoveries)	-	(4,365)	(4,365)	-
Professional fees	690	6,397	7,087	8,005
Travel	-	126	126	-
	<u>2,393</u>	<u>15,833</u>	<u>18,226</u>	<u>20,050</u>
<b>EXCESS OF REVENUE OVER EXPENSES</b>	<u>\$ 262,315</u>	<u>\$ 402,739</u>	<u>\$ 665,054</u>	<u>\$ 500,885</u>

The accompanying notes are an integral part of the financial statements.

**FORESTRY SERVICE PROVIDERS COMPENSATION FUND**

**Statement of Changes in Net Assets**

**Year Ended December 31, 2018**

	Silviculture Fund	General Fund	2018	2017
<b>NET RESTRICTED ASSETS - BEGINNING OF YEAR</b>	\$ 501,362	\$ 7,012,355	\$ 7,513,717	\$ 7,012,833
Excess of revenue over expenses	<u>262,315</u>	<u>402,739</u>	<u>665,054</u>	<u>500,884</u>
<b>NET RESTRICTED ASSETS - END OF YEAR</b>	<u>\$ 763,677</u>	<u>\$ 7,415,094</u>	<u>\$ 8,178,771</u>	<u>\$ 7,513,717</u>

*The accompanying notes are an integral part of the financial statements.*

**FORESTRY SERVICE PROVIDERS COMPENSATION FUND**

**Statement of Cash Flows**

**Year Ended December 31, 2018**

	2018	2017
<b>OPERATING ACTIVITIES</b>		
Excess of revenue over expenses	<u>\$ 665,054</u>	<u>\$ 500,884</u>
Changes in non-cash working capital:		
Accounts payable and accruals	-	(840)
Due to (from) related party	<u>854</u>	<u>(98)</u>
	<u>854</u>	<u>(938)</u>
Cash flow from operating activities	<u>665,908</u>	<u>499,946</u>
<b>INVESTING ACTIVITY</b>		
Purchase of investments	<u>(663,753)</u>	<u>(511,411)</u>
<b>INCREASE (DECREASE) IN CASH FLOW</b>	<b>2,155</b>	<b>(11,465)</b>
Cash - beginning of year	<u>10,152</u>	<u>21,617</u>
<b>CASH - END OF YEAR</b>	<u><b>\$ 12,307</b></u>	<u><b>\$ 10,152</b></u>

*The accompanying notes are an integral part of the financial statements.*

# FORESTRY SERVICE PROVIDERS COMPENSATION FUND

## Notes to Financial Statements Year Ended December 31, 2018

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### 1. PURPOSE OF THE FUND

On May 25, 2010, the Parliament of the Province of British Columbia passed Bill 21-2010, the Forestry Service Providers Protection Act (the "Act"). In accordance with the provisions of the Act, the Government had the ability to establish, by regulation, the Fund, for the purpose of providing compensation to forestry services providers for financial losses resulting from the insolvency of companies or other legal entities to which forestry services providers have provided services, and to provide for the reasonable costs of managing the Fund.

The Forestry Service Providers Compensation Fund (the "Fund") was established by Order in Council No. 205, approved and ordered on March 29, 2012 with an initial contribution of \$5,000,000. The same Order in Council gave approval to the Minister of Forests, Lands and Natural Resource Operations (the "Minister") to enter into an agreement to appoint an Administrative Authority (the "Authority") to manage the Fund in accordance with the provisions of the Act. On March 30, 2012, the Minister entered into the Administrative Agreement (the "Agreement"), appointing Eric van Soeren as the Authority for a period ending no later than March 31, 2013. On February 1, 2013, the Minister entered into a new Agreement to extend the appointment to January 31, 2015. On November 13, 2014, the Minister entered into a new Agreement to extend the appointment to January 31, 2017. On February 27, 2017 the Minister entered into a new agreement to extend the appointment to February 28, 2019.

The Government of the Province of British Columbia made a second contribution to the Fund of \$1,000,000 in April, 2015 and a third contribution of \$1,000,000 in April, 2016. The third contribution was allocated as to \$500,000 to the General Forestry Service Providers Compensation Fund (the "General Fund") and \$500,000 to a new Silviculture Contractors Compensation Fund (the "Silviculture Fund"). A fourth contribution of \$350,000 was received on April 17, 2017 and allocated to the General Fund, and a fifth contribution of \$500,000 was received on April 13, 2018 and allocated as to \$250,000 to the General Fund and \$250,000 to the Silviculture Fund.

Pursuant to the provisions of the Act, the Authority must hold in trust the monies in the Fund and may invest the monies only as permitted under the provisions of the Trustee Act.

### 2. BENEFICIARIES OF THE FUND

The beneficiaries of the fund are forestry services providers. In accordance with the Act, the Government of the Province of British Columbia may make regulations designating classes of persons as forestry services providers for the purposes of the Fund. In January, 2013, the Government of the Province of British Columbia, passed B.C. Regulation 3/2013. That regulation defined forestry services as felling, bucking, yarding, skidding, processing, chipping, grinding, decking, loading, hauling, unloading, dryland sorting and logging road construction and maintenance. B.C. Regulation 3/2013 further defines beneficiaries of the fund as persons that provide forestry services to a holder of an agreement referred to in section 12 of the Forest Act. Accordingly, the potential beneficiaries of the Fund are forestry services providers who provide forestry services to companies or other legal entities who hold licenses to harvest forest products on lands owned by the Government of British Columbia (referred to as "Crown Lands").

On December 7, 2016, the Government of the Province of British Columbia passed B.C. Regulation 286/2016. That regulation includes silviculture work in the definition of forestry services for the purposes of determining potential beneficiaries of the Fund.

### 3. DURATION OF THE FUND

The Act and related regulations do not indicate a termination date for the Fund.

# FORESTRY SERVICE PROVIDERS COMPENSATION FUND

## Notes to Financial Statements Year Ended December 31, 2018

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### 4. SIGNIFICANT ACCOUNTING POLICIES

The financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations as issued by the Accounting Standards Board in Canada and include the following significant accounting policies:

#### (a) Restricted Fund Method

The Fund employs fund accounting, using the accrual method of accounting for transactions. The Fund's assets are subject to the external restrictions contained in the Act and relevant regulations and are to be used only for the specified purposes. The Fund maintains two funds: General Fund and Silviculture Fund.

The General Fund reports the Fund's revenue and compensation related to the General Fund, and the proportional ancillary expenses related to the operations of the Fund attributed to the General Fund.

The Silviculture Fund reports the Fund's revenue and compensation related to the Silviculture Fund, and the proportional ancillary expenses related to the operations of the Fund attributed to the Silviculture Fund.

#### (b) Revenue Recognition

Investment income is recorded as received or receivable, if the amount to be received can be reasonably estimated and collection is reasonably assured.

The Fund uses the restricted fund method of accounting for contributions, which are recognized as revenue in the appropriate restricted fund when received.

#### (c) Allocation of Expenses

The Fund allocates certain of its general support expenses by identifying the appropriate basis of allocating each component expense, and applies that basis consistently each year.

#### (d) Cash

Cash includes balances with banks and short-term investments with maturities of three months or less, unless management expects to renew the investments upon maturity.

#### (e) Investments

Investments consist of Canadian provincial government bonds, GIC's and public company bonds. Investments are carried at amortized cost, less any impairment.

#### (f) Use of Assumptions and Estimates

The preparation of financial statements, in conformity with Canadian generally accepted accounting principles, requires the Authority to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying disclosures. Although these estimates are based on the Authority's knowledge of current events and actions the Fund may undertake in the future, actual results may differ from the estimates. These estimates and assumptions are reviewed periodically and, as adjustments become necessary they are reported in excess of revenues and expenses in the periods in which they become known.

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# FORESTRY SERVICE PROVIDERS COMPENSATION FUND

## Notes to Financial Statements Year Ended December 31, 2018

### 4. SIGNIFICANT ACCOUNTING POLICIES *(continued)*

#### (g) Financial Instruments

The Fund recognizes its financial instruments when the Fund becomes party to the relevant contractual provisions. All financial instruments are initially recorded at their fair value, including financial assets and liabilities originated and issued in a related party transaction with management. Financial assets and liabilities originated and issued in all other related party transactions are initially measured at their carrying or exchange amount in accordance with CICA 3840 Related Party Transactions.

The Fund measures cash at fair value. All other financial assets and liabilities are subsequently measured at amortized cost. The carrying value of financial assets and liabilities reflected in the statement of financial position approximate their respective fair values.

### 5. INVESTMENTS

	<u>2018</u>	<u>2017</u>
	<i>Carrying amount</i>	<i>Carrying amount</i>
Fixed income investments		
Canadian provincial government bonds <i>(market value \$4,780,590)</i>	\$ 4,471,417	\$ 4,362,571
GIC's <i>(market value \$1,740,000)</i>	1,764,157	962,571
Public company bonds - chartered banks <i>(market value \$2,032,070)</i>	<u>1,939,343</u>	<u>2,186,022</u>
	8,174,917	7,511,164
Less: current portion	<u>(2,095,234)</u>	<u>(1,314,307)</u>
Non-current portion	<u>\$ 6,079,683</u>	<u>\$ 6,196,857</u>

### 6. RELATED PARTY TRANSACTIONS

During the year, the Fund made payments to the Authority, Mr. Eric van Soeren, for services rendered.

	<u>2018</u>	<u>2017</u>
Amount expensed	<u>\$ 13,896</u>	<u>\$ 10,325</u>
Amount outstanding payable	<u>\$ 1,208</u>	<u>\$ 354</u>

These transactions are in the normal course of operations and have been valued in these financial statements at the exchange amount, which is the amount of consideration established and agreed to by the related party.

# FORESTRY SERVICE PROVIDERS COMPENSATION FUND

## Notes to Financial Statements Year Ended December 31, 2018

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### 7. INCOME TAXES

The Authority has always been of the opinion that the Fund is either a non-profit organization for income tax purposes or a public body performing a function of government. Under either definition, the Fund's income would not be subject to income taxes.

During a prior year, the Authority received a Notice of Assessment whereby the Fund was assessed income taxes of \$28,240 on its net income for the year ended December 31, 2012. A Notice of Objection was duly filed in a timely manner. During the prior year, an appeals officer was appointed to review the facts and make a determination.

Pursuant to the submission of additional information and discussions with the appeals officer, the CRA allowed the Notice of Objection on the basis that the Fund is a quasi-governmental body earning exempt income and therefore not subject to income taxes.

### 8. GOODS AND SERVICE TAXES/HARMONIZED SALES TAX

The Authority is of the opinion that the Fund will not be able to recover any Input Tax Credits.

### 9. COMMITMENTS

In accordance with the Act, all funds must be disbursed to beneficiaries pursuant to the purpose of the Fund and the guidelines prepared by the Authority and approved by the Advisory Board. No amounts may be transferred to the Government of the Province of British Columbia.

### 10. ECONOMIC DEPENDENCE

The Fund's primary source of revenue is provided by the Government of the Province of British Columbia. The grant funding can be cancelled if the Fund does not observe certain established guidelines. The Fund's ability to continue viable operations is dependent upon the fund continuing to follow the criteria within the guidelines. As at the date of these financial statements the Authority believes that the Fund is in compliance with the guidelines.

### 11. FINANCIAL INSTRUMENTS

The Fund, as part of its operations, carries a number of financial instruments. It is management's opinion that the Fund is not exposed to significant interest, currency, credit, liquidity or other price risks arising from these financial instruments except as otherwise disclosed.

#### *(a) Interest rate risk*

Interest rate risk is the risk that the value of a financial instrument might be adversely affected by a change in the interest rates. Changes in market interest rates may have an effect on the cash flows associated with some financial assets and liabilities, known as cash flow risk, and on the fair value of other financial assets or liabilities, known as price risk. The Fund is exposed to interest rate risk primarily related to their fixed income investments, as disclosed in Note 5. However, the Fund intends to hold all of its fixed income investments to maturity, therefore the exposure to interest rate risk is mitigated.