

**ALBERTA**  
**PUBLIC LANDS APPEAL BOARD**

Decision

August 10, 2016

**IN THE MATTER OF** section 123(5) of the *Public Lands Act* and 114, 211, and  
216 of the Public Lands Administration Regulation, A.R. 187/2011

**-and-**

**IN THE MATTER OF** an appeal filed by  
**Unity Sand and Gravel Ltd.**

Cite as: *Unity Sand and Gravel Ltd. v. Alberta (Environment and Parks) 2016 ABPLAB 15*

## **Facts**

The Appellants, John and Mary Krahn, representing Unity Sand and Gravel Ltd., filed a Notice of Appeal with the Public Lands Appeal Board on December 23, 2015 appealing a decision made to increase royalty rates retroactively with respect to the Appellants' operations authorized under SML 050004. The Appellant alleged that the Director or Officer, in implementing the increase, erred in law. On December 23, 2015, the Board wrote to the Appellant and Director accepting the appeal and requesting the Director's record.

On January 5, 2016, the Director applied to the Board for a reconsideration of its decision to accept the Notice of Appeal. The Director maintained that the Board did not have the jurisdiction to consider the Notice of Appeal.

## **Decision**

After reviewing the file, including the terms and conditions of SML 050004, Ministerial Order 28/2015, along with the applicable legislation in the *Public Lands Act* and the Public Lands Administration Regulation (PLAR), the Board concluded that it did not have the jurisdiction to hear this appeal due to section 114 of PLAR which grants the Minister the authority to prescribe rates for the preceding 12 month period.

Section 114 of PLAR states:

**114** An operator must remit with the return filed under section 113(1) the royalty on all surface material removed during the preceding 12-month period, at the rates prescribed by the Minister.

The Notice of Appeal for PLAB 15-0043 is rejected.

(Decision communicated March 9, 2016)