

ALBERTA
PUBLIC LANDS APPEAL BOARD

Discontinuance of Proceeding

August 10, 2016

IN THE MATTER OF section 123(8) of the *Public Lands Act* and 211, 232 (3), and
216 of the Public Lands Administration Regulation, A.R. 187/2011

-and-

IN THE MATTER OF an appeal filed by
Reginald Merkley

Cite as: *Merkley v. Alberta (Environment and Parks) 2016 ABPLAB 16*

Facts

The Appellant, Reginald Merkley, filed a Notice of Appeal with the Public Lands Appeal Board on May 4, 2016 appealing a refusal to renew Miscellaneous Lease No. DML 020077 by the department. The Appellant alleged that the Director or Officer erred in the determination of material fact, erred in law, exceeded the Director's or Officer's jurisdiction or legal authority, did not comply with a regional plan approved under the *Alberta Land Stewardship Act*, and that the decision was expressly subject to appeal under section 15 of the Public Lands Administration Regulation.

The Appellant stated on the notice of appeal that he wanted to recover costs from the Government of Alberta. On May 5, 2016 the Board informed the Appellant that it did not have the authority to award monetary penalties or costs against the Government of Alberta, pursuant to s. 232 (3) of the Public Lands Administration Regulation. Subsequently, the Appellant informed the Board that he wished to end the appeal. On May 5, 2016, the Board wrote to the Appellant and Director accepting the withdrawal of the appeal.

Rationale for Discontinuance

As the Appellant has withdrawn the notice of appeal, and as the Board is satisfied that all issues relating to the appeal have been resolved in accordance with section 123(8) of the *Public Lands Act*, the Public Lands Appeal Board discontinues its proceedings and closes its file for PLAB 16-0005.