

**ALBERTA  
PUBLIC LANDS APPEAL BOARD**

**Decision  
Notice of Discontinuance**

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May 7, 2014

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

**-and-**

**IN THE MATTER OF** an appeal filed by Tim Kalinski and Kalinko Enterprises Ltd.

Cite as: *Re Kalinko Enterprises Ltd. and Conoco Phillips Canada. 2014 ABPLAB 3.*

## **Facts**

Two Notices of Appeal were received by the Public Lands Appeal Board (“Board”) on August 12, 2013 from the agent for Tim Kalinski, filed on behalf of Kalinko Enterprises Limited. The appeals were with respect SME applications No. 130061 and No. 130051. The appeals were assigned PLAB file numbers 13–0006 and 13–0007. The appellant was appealing a deemed rejection by the Director of the applications, as the Director did not make the decision within the 30 day period prescribed by section 15 of the Public Lands Administration Regulation. A decision was made after the 30 day period that rejected the applications due to the existence of a Consultative Notation Company (CNC) associated with the lands involved in the applications. The CNC holder, Conoco Phillips Canada, had notified the Department that they opposed the SME applications filed by the appellant as they believed it would affect their interest in the land. The Notices of Appeal indicated that the grounds for the appeal was a deemed rejection under section 15 of the Public Lands Administration Regulation.

In consultation with the parties, a mediation was scheduled for November 19, 2013. The parties were encouraged to continue their own negotiations prior to the mediation. The appellant contacted the Board by letter dated October 19, 2013 and advised that the appellant and Conoco Phillips were in negotiations. The appellant requested that the mediation be cancelled and that the appeals be held in abeyance until January 15, 2014. The Board granted the request. A second request by the appellant for the appeals to be held in abeyance was made by letter dated January 23, 2014. The Board agreed to hold the appeals in abeyance until May 30, 2014. On May 7, 2014 the Board received correspondence from the appellant advising that they wished to withdraw their appeals as they had reached an agreement with Conoco Phillips Canada.

As this matter has been resolved between the parties and the appeals withdrawn, the Board discontinues its proceedings and closes its files in the matters.

## **Rationale for Discontinuance**

As the appellant has withdrawn their Notice of Appeals, and as the Board is satisfied that all issues related 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 files for PLAB 13-0006 and PLAB 13-0007.