

**ALBERTA  
PUBLIC LANDS APPEAL BOARD**

**Decision**

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**IN THE MATTER OF** sections 211, and 217 of the Public Lands  
Administration Regulation, A.R. 187/2011;

**-and-**

**IN THE MATTER OF** An appeal by Justin Dawson of a decision to amend a grazing lease and a  
request for extension of time for service of a Notice of Appeal

## **Facts**

The Appellant appeals a decision by Environment and Sustainable Resource Development (“ESRD”) dated August 22, 2012, to amend GRL 34987. The Appellant requests that the Appeals Coordinator exercise the discretion granted under section 217(2) of the Public Lands Administration Regulation and extend the time for service of the Notice of Appeal.

## **Appellant’s Submission**

The Appellant submits that the Appeals Coordinator should extend the time for service of the Notice of Appeal for the following reasons:

1. ESRD did not provide notice to the Appellant of the right to appeal the amendment to the lease GRL 34987;
2. The Appellant would be unduly prejudiced if the extension of service time was not granted as his previous submissions to ESRD were disregarded; and
3. There is no significant prejudice to any other party if the extension for service was granted.

## **Analysis**

Section 217(1) and (2) of the Regulation states:

**217(1)** A notice of appeal must be served on the appeals co-ordinator within

- (a) 20 days after the appellant received, became aware of or should reasonably have become aware of the decision objected to, or
- (b) 45 days after the date the decision was made,

whichever elapses first.

**(2)** The appeals co-ordinator may, either before or after the expiry of a period described in subsection (1)(a) or (b), extend the time for service of a notice of appeal if, in the opinion of the appeals co-ordinator, it is not contrary to the public interest to do so.

The Appeals Coordinator notes from the Appellant’s submission that ESRD sent the letter advising of the amendment to the grazing lease to the wrong address and that the Appellant did not receive the letter until after October 2, 2012. Although there is no date from the Appellant as to when the letter was received, it is reasonable to assume that it has been at least one year since the Appellant was made aware of the decision to amend the grazing lease.

According to the Appellant's submission, counsel advised him of the availability of an appeal under the *Public Lands Act*, and the Appellant "immediately instructed counsel to commence an appeal" (paragraph 9(a) of the Appellant's Schedule A). Tab 5 of Schedule A is a letter from the Appellant's counsel to ESRD dated June 10, 2013. It states:

Mr. Dawson will be proceeding to file an Appeal pursuant to Section 211 of the Public Land Administration Regulation, Alta. Reg. 187/2001. This Notice of Appeal will be provided to the Environment and Sustainable Resource Development Appeals Coordinator as soon as possible.

### **Decision**

After considering the submission of the Appellant, the Appeals Coordinator declines to exercise discretion to extend the time for service of the Notice of Appeal for the following reasons:

1. A period of time significantly longer than the 20 and 45 days provided for in section 217(1) of PLAR has passed since the Appellant became aware of the decision to amend GRL 34987.
2. The Appellant was aware of his right to appeal at least by June 10, 2013, yet an appeal was not filed until November 29, 2013.

**The Public Lands Appeal Board cannot accept the appeal as it does not comply with the requirements of Section 217 of the Public Lands Administration Regulation.**