
**ALBERTA
PUBLIC LANDS APPEAL BOARD**

Decision

May 8, 2014

IN THE MATTER OF sections 211, and 216 of the Public Lands
Administration Regulation, A.R. 187/2011;

-and-

IN THE MATTER OF an appeal filed by JH Drilling Inc.

*Cite as: JH Drilling Inc. v. Alberta (Environment and Sustainable Resource Development) 2014
A.P.L.A.B. 14-0005*

Solicitors of Record

Andrew Bachelder on behalf of the Public Lands Appeal Board

EXECUTIVE SUMMARY

The Public Lands Appeal Board has considered a Notice of Appeal dated April 1, 2014 and received by the Board, April 16, 2014, from the appellant, JH Drilling. The Board has a responsibility under the Public Lands Administration Regulation (PLAR) to ensure that the Notice of Appeal has been filed correctly according to the provisions of the Regulation. As the Notice of Appeal does not meet the requirements of PLAR the Board must reject the appeal.

Reasons

The reasons the Board rejects the appeal are as follows:

Appeal does not comply with section 216

1. Section 216(1)(c) states:

216(1) A notice of appeal must ...

- (c) include a copy of the decision objected to or, if the decision is not written, a description of it including the date on which it was made,

The notice of appeal states that the decision being appealed was made by Jeffrey Watson, Manager, but there is no copy of the decision or a description of it as required by subsection c. Section 216 (2) states that the Board must reject a Notice of Appeal that does not comply with section 216 (1).

No legislative authority

2. The appellant seeks a plethora of declarations from the Board. Section 211 of PLAR lists the decisions that can be appealed. Nowhere in the regulation or the act does a grant the Board the authority to make declarations, and nowhere does it enable an appellant to seek such declarations. The Board does not have the legislative authority to grant the results the appellant seeks.

No jurisdiction

3. Some of the declarations the appellant seeks involve an LLC holder, Conoco Phillips, which is an energy company. This places the matter in the jurisdiction of the Alberta Energy Regulator (AER). Furthermore, the AER appears to have already considered some of these matters and have ruled on them. The Public Lands Appeal Board is not an appeal body for decisions of other jurisdictions.

Not within the legislated timelines

4. Section 217 of PLAR 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.

Every email, letter, or schedule provided by the appellant in the Notice of Appeal is dated far beyond the time limitations provided by section 217. There is no application from the appellant before the Board to extend the period to serve a Notice of Appeal. The Board has determined that the Notice of Appeal has been filed beyond the service period provided for in the regulation.

Decision

Each of the four reasons provided by the Board for rejecting the appellant's Notice of Appeal, appeal does not comply with section 216 of PLAR, no legislative authority, no jurisdiction, and not within the legislated timelines, would be sufficient on their own to justify the Board's decision. When all the reasons are considered together, it is clear that the Board has no other option but to reject the appellant's Notice of Appeal.

The appellant's Notice of Appeal is dismissed.