

**ALBERTA
PUBLIC LANDS APPEAL BOARD**

Decision

April 30, 2015

IN THE MATTER OF sections 123(5) of the Public Lands Act, and section 213 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)
2015 ABPLAB 6*

Solicitors of Record

Andrew R. Bachelder on behalf of the Public Lands Appeal Board

Alison Altmiks on behalf of the Director

Facts

The Board received submissions on these files on January 21 and 22, 2015. Although the three appeals are separate, the Board combined them for the purposes of administration as all three had the same appellant and other similarities. On January 8, 2015, the Board requested further written submissions from the Appellant and the Director and the Board advised the parties that submissions would be required to address (in accordance with section 213 of the Public Lands Administration Regulation):

- 1 . If the Director failed to approve or refuse the application for each of the dispositions under appeal within the time limit specified under section 15 of the Public Lands Administration Regulation, resulting in a deemed rejection. If yes, the Board requested from the parties what appropriate remedy they want the Board to recommend to the Minister.
2. If the Director, by rejecting the applications for being incomplete or for requiring certain documentation for each application:
 - a. erred in the determination of a material fact;
 - b. erred in law;
 - c. exceed the director's or officer's jurisdiction or legal authority;or
 - d. did not comply with a regional plan approved under the *Alberta Lands Stewardship Act*.

Appellant's Submissions

The Appellant, in its submissions, acknowledges that the Board has asked that these issues be addressed. However, the Appellant failed to address the issues as required by the Board. The Appellant instead focussed its submissions on policy matters which the Board had advised would not be considered.

Decision

Section 123(5) of the *Public Lands Act* reads:

123(5) The appeal body may dismiss a notice of appeal if:

- (a) it considers the notice of appeal to be frivolous or vexatious or without merit,
- (b) for any other reason the appeal body considers that the notice of appeal is not properly before it
- (c) the person who submitted the notice of appeal fails to provide further information required by the appeal body.

As the Appellant has failed to address the issues as required by the Board, the Board finds that these three appeals are “frivolous or vexatious or without merit” and finds that the Appellant has not provided further information which was required by the Board. The Board, under section 123(5) of the *Public Lands Act* makes the following decisions:

The Notice of Appeal for PLAB 14-0013 is DISMISSED, without costs

The Notice of Appeal for PLAB 14-0021 is DISMISSED, without costs

The Notice of Appeal for PLAB 14-0023 is DISMISSED, without costs

The parties were advised of the Board’s decision on January 23, 2015.