

ALBERTA  
PUBLIC LANDS APPEAL BOARD

**Discontinuance of Proceeding**

January 30, 2015

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

**-and-**

**IN THE MATTER OF** an appeal by  
**Josef Bender and 1783675 Alberta Ltd., filed as PLAB 14-0016**

Cite as: *Bender and 1783675 Alberta Ltd. v. Alberta (Environment and Sustainable Resource Development) 2015 ABPLAB 3*

## **Facts**

The Appellant, Josef Bender and 1783675 Alberta Ltd., is a producer and supplier of aggregate in Alberta. The Appellant appealed the decision made by the Director, Environment and Sustainable Resource Development, to deny the Appellant's application for SME 130217. The decision by the Director was issued July 4, 2014. The Notice of Appeal was received by the Public Lands Appeal Board August 15, 2014. The Appellant alleged that the Director erred in the determination of a material fact.

The Appellant's agent, Charette Pell Poscente Environmental Corp., also filed at the same time, PLAB 14-0015, PLAB 14-0017 and PLAB 14-0018. All four Notice of Appeals dealt with SME applications for land in the same proximity and were denied by the Director for the same reasons. The Board combined the appeals for the purposes of administration but maintained them as separate appeals (PLAB 14-0017 was later withdrawn by the agent and replaced with PLAB 14-0026).

The Appeals Coordinator, after receiving submissions from the Director and the Appellant, granted an extension of time to file under section 217(2) of the Public Lands Administration Regulation. The Board granted an application by MEG Energy Corp. for third party status, as MEG held a disposition for the lands under appeal.

On December 17, 2014, counsel for MEG Energy Corp. filed a motion requesting that the Board hold a preliminary hearing to determine whether some or all of the Appellants are "affiliated entities", whether false statutory declarations were filed, and whether the appeals were no longer validly before the Board. The Board set submission dates for a written hearing.

On January 26, 2015, the Board received a letter from Ogilvie LLP, counsel for the Appellants, formally withdrawing 14-0015, 14-0016, and 14-0018. An email was subsequently received January 30, 2015 formally withdrawing 14-0026.

As this matter has been resolved between the parties and the appeal withdrawn, the Board discontinues its proceedings and closes its files in the matters.

## **Rationale for Discontinuance**

As the Appellant has withdrawn their Notice of Appeal, 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 14-0016.