

**ALBERTA
PUBLIC LANDS APPEAL BOARD**

**Decision
Notice of Discontinuance**

October 21, 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 1783679 Alberta Ltd.

Cite as: *1783679 Alberta Ltd. v. Alberta (Environment and Sustainable Resource Development)*
2014 APLAB 14-0017

Solicitors of Record:

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

Facts

A Notice of Appeal was received by the Public Lands Appeal Board ("Board") August 15, 2014, from Tyler Pell, agent for the Appellant, 1783679 Alberta Ltd. The Appellant appealed the rejection of an application under the *Public Lands Act* for a disposition under SML 130214. The Appellant alleged that the Director who made the decision erred in the determination of a material fact. The appeal was assigned the number PLAB 14-0017.

The Appellant had not received a decision by the Director on the application, but had discovered that the application had been changed on the Department's Geographic Land Information Management Planning System ("GLIMPS") to indicate that the application had been cancelled. On this basis the Appellant appealed to the Public Lands Appeal Board.

The Director confirmed that the application was registered in GLIMPS as being refused on June 26, 2014. The Director argued that this placed the Notice of Appeal outside the time limitation provided for in section 217(1) of the public lands administration regulation.

The Board requested that the Director provide the letter refusing the application by the Appellant. The Director responded that there was no letter of refusal as the application had been changed to "cancelled" status in GLIMPS due to an administrative error and that no decision regarding the application had been made by the Director. The Director argued that the appeal was prematurely filed and therefore was not properly before the Board.

The Director made a decision refusing the application on September 26, 2014. As a result of a decision being made on the application the Appellant withdrew its Notice of Appeal for PLAB 14-0017 on October 21, 2014, and filed a new appeal based on the letter of refusal.

As the Appellant has withdrawn the appeal the Board discontinues its proceedings and closes its file in the matter.

Rationale for Discontinuance

As the Appellant has withdrawn its Notice of Appeal, and as the Board is satisfied that all issues related to the appeal have been resolved in accordance with section 123(8) of the *Public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 14-0008.