

**ALBERTA
PUBLIC LANDS APPEAL BOARD**

Discontinuance of Proceeding

May 1, 2015

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 Darin Dunphy

*Cite as: Dunphy v Alberta (Environment and Sustainable Resource Development), 2015
ABPLAB 7*

Facts

The Appellant, Darin Dunphy, applied to Environment and Sustainable Resource Development (ESRD) for a License of Occupation (DLO). The application was denied due to a Protective Notation (PNT) which was said to have been created for the protection of lakeshore habitat.

A Notice of Appeal was filed by Mr. Darin Dunphy (“Appellant”) with the Public Lands Appeal Board (“Board”) on October 9, 2014. The Appellant alleged that the Director who made the decision erred in the determination of a material fact, erred in law, exceeded the Director’s jurisdiction or legal authority, did not comply with a regional plan under the *Alberta Land Stewardship Act*, and that the matter was a deemed rejection in accordance with section 15 of the Public Lands Administration Regulation. The appeal was assigned the number PLAB 14-0025.

In consultation with the parties a mediation was scheduled for January 16, 2015. The parties met and discussed the appeal. An agreement was reached between the Appellant and the Director and the Appellant withdrew the appeal.

As the Appellant has withdrawn the appeal the Board discontinues its proceedings and closes its file in the matter.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As the Appellant has withdrawn its Notice of Appeal, and as the Board is satisfied that all issues related to the appeal have been resolved in accordance with section 123(8) of the *Public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 14-0025.