

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
Tenille Paul and 1783679 Alberta Ltd., filed as PLAB 14-0026

Cite as: *Paul and 1783679 Alberta Ltd. v. Alberta (Environment and Sustainable Resource Development) 2015 ABPLAB 1*

Facts

The Appellant, Tenille Paul and 1783679 Alberta Ltd., is a producer and supplier of aggregate in Alberta. The Appellant filed an appeal with the Public Lands Appeal Board on August 15, 2014, alleging that the Director had verbally denied the Appellant's application for SME 130214. Although the Director had not made a decision regarding the application the Appellant 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 Appellant's agent, Charette Pell Poscente Environmental Corp., also filed at the same time, PLAB 14-0015, PLAB 14-0016 and PLAB 14-0018. All four Notice of Appeals dealt with SME applications for land in the same proximity. The Board combined the appeals for the purposes of administration but maintained them as separate appeals.

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, which was assigned PLAB 14-0026. The Appellant alleged that the Director erred in the determination of a material fact. PLAB 14-0026 was combined with 14-0015, 14-0016, and 14-0018 for administrative purposes.

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 14-0026.