
ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date Discontinuance of Proceedings – July 6, 2000

IN THE MATTER OF Sections 84, 85, and 87 of the
Environmental Protection and Enhancement Act, (S.A. 1992, ch.
E-13.3 as amended)

-and-

IN THE MATTER OF an appeal filed on April 25, 2000 by Ms.
Gwyn Bailey with respect to Approval 00073615-00-00 issued
under the *Water Act* to Sunset Harbour Developments Ltd., by the
Manager, Regional Support, Parkland Region, Alberta
Environment.

Cite as: Bailey v. Manager, Regional Support, Parkland Region, Alberta Environment,
re: Sunset Harbour Developments Ltd.

TABLE OF CONTENTS

BACKGROUND.....	1
DECISION.....	2

BACKGROUND

[1] On April 19, 2000, the Manager, Regional Support, Parkland Region, Alberta Environment (Department) issued Approval No. 00073615-00-00, under the *Water Act* to Sunset Harbour Developments Ltd. (Approval Holder). The Approval authorizes the Approval Holder to construct a marina and stormwater management works at Pigeon Lake in the SW 12-47-02-W5 subject to certain conditions.

[2] On May 1, 2000, the Environmental Appeal Board (Board) received a letter dated April 25, 2000, from Ms. Gwyn Bailey (Appellant), appealing the Approval.

[3] On May 1, 2000, the Board acknowledged receipt of the Appellant's letter of April 25, 2000. As the Appellant's letter did not include specific information required under the Environmental Appeal Board Regulation¹, section 5(1)², the Board requested that the Appellant clarify the purpose of her letter and provide further information, by May 15, 2000, in order for the Board to proceed further with the request for an appeal.

[4] The Board did not receive the required information from Ms. Bailey and on May 30, 2000, wrote to her stating:

“Further to the Board's letter of May 1, 2000, our telephone conversation of May 17th and my telephone message of May 25th, the Board has not received a response from you...Please contact me immediately.”

1 A.R. 114/93.

2 5(1) A notice of appeal submitted pursuant to section 84 of the Act shall contain the following:

- (a) the provision of the Act under which the notice of appeal is submitted;
- (b) the name and title of the person whose decision is the subject of the notice of appeal and the details of the decision being appealed;
- (c) a description of the relief requested by the person appealing;
- (d) the signature of the person appealing, or the person's lawyer or other agent;
- (e) an address for service of the person appealing.

[5] On June 15, 2000, the Board received a letter, dated June 14, 2000 from Ms. Bailey stating the following:

“Due to several commitments in the coming months, I wish to withdraw my appeal regarding the proposed Sunset Harbour Development on the west end of Pigeon Lake.

It is hoped that in no way the decision is interpreted as my approval of the project. As a member of both the Mission Beach Association and Rundle Mission I am still adamantly opposed to the plan...”

DECISION

[6] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on Ms. Gwyn Bailey’s letter of June 14, 2000, the Board hereby discontinues its proceedings in Appeal No. 00-020 and will be closing its file.

Dated July 6, 2000 at Edmonton, Alberta.

William A. Tilleman, Q.C.