

---

# ALBERTA ENVIRONMENTAL APPEAL BOARD

## Discontinuance of Proceedings

---

Date of Discontinuance of Proceedings - November 24, 1999

**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 and an application for stay filed by Mr. Henry Beaumont Q.C., on behalf of his client MacCalgary Developments (Scenic) Inc. and Sunbow Consulting Ltd. with respect to Enforcement Order No. 99-01 issued by the Deputy Minister, Alberta Environment.

Cite as: MacCalgary Developments (Scenic) Inc. and Sunbow Consulting Ltd. v. Deputy Minister, Alberta Environment.

## TABLE OF CONTENTS

BACKGROUND .....1

DECISION .....2

## **BACKGROUND**

[1] On October 26, 1999, the Environmental Appeal Board (Board) received a Notice of Appeal, Application for Stay each dated October 25, 1999 from Mr. Henry Beaumont Q.C., Beaumont Church, on behalf of his client MacCalgary Developments (Scenic) Inc. and Sunbow Consulting Ltd. (Appellant). The Appeal was with respect to the decision of the Deputy Minister, Alberta Environment, to issue an Enforcement Order for the removal of a berm constructed on a Transportation Utility Corridor established as a Restricted Development Area and to provide a completion schedule for the removal of the berm within 7 days of the issuance of the Enforcement Order.

[2] On October 26, 1999 the Board acknowledged receipt of the Notice of Appeal and Application for Stay from Mr. Beaumont and, at that time requested a copy of all correspondence, documents, and materials relative to the appeal from the Department.

[3] According to standard practice, on October 26, 1999, the Board wrote to the Natural Resources Conservation Board (NRCB) and the Alberta Energy and Utilities Board (AEUB) asking whether this matter had been the subject of a hearing or review under their respective Boards= legislation. Replies were subsequently received from the NRCB on October 28, 1999 and the AEUB on November 17, 1999 stating that they did not hold any hearing or review under their respective legislation.

[4] On November 22, 1999, the Board received a letter dated November 18, 1999 from Mr. Timothy D. Weiss, Beaumont Church, stating the following:

APlease be advised that pursuant to agreements reached with Charlene Graham, counsel for the Department of the Environment relating to the above mentioned matter we are hereby withdrawing

our application for stay of Enforcement Order No. 99-01 dated October 22, 1999.

**DECISION**

[5] Pursuant to Section 87(7) of the *Environmental Protection and Enhancement Act*, and based on Mr. Weiss= letter of November 18, 1999, the Board hereby discontinues its proceedings in Appeal No. 99-157 and will be closing its file.

Dated November \_\_\_\_\_, 1999 at Edmonton, Alberta

Dr. William A. Tilleman