

ALBERTA ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – September 6, 2002

IN THE MATTER OF Sections 91, 92, and 95 of the
Environmental Protection and Enhancement Act, R.S.A. 2000, c.
E-12 and section 115 of the *Water Act*, R.S.A. 2000, c. W-3;

-and-

IN THE MATTER OF a Notice of Appeal filed by Mr. Rene
Victoor with respect to Approval No. 00186804-00-00 issued to
Parkbridge Communities Inc. by the Director, Central Region,
Regional Services, Alberta Environment authorizing the
construction of a storm water management pond on a tributary of
the Atim Creek, near Parkland County, Alberta.

Cite as: *Victoor v. Director, Central Region, Regional Services, Alberta Environment re:
Parkbridge Communities Inc.* (6 September 2002), Appeal No. 02-067-DOP
(A.E.A.B.)

EXECUTIVE SUMMARY

Alberta Environment issued an Approval to Parkbridge Communities Inc. authorizing the construction of a Storm Water Management pond on a tributary of the Atim Creek near Parkland County, Alberta.

The Environmental Appeal Board received a Notice of Appeal from Mr. Rene Victoor appealing the Approval.

After the Board began processing the appeal, the Board received a letter from Mr. Victoor, withdrawing his appeal.

The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On July 25, 2002, the Director, Central Region, Regional Services, Alberta Environment (the “Director”) issued Approval No. 00186804-00-00 (the “Approval”) under the *Water Act* R.S.A. 2000, c. W-3, to Parkbridge Communities Inc. (the “Approval Holder”) authorizing the construction of a storm water management pond on a tributary of the Atim Creek, near Parkland County, Alberta.

[2] On August 19, 2002, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Mr. Rene Victoor (the “Appellant”) appealing the Approval.

[3] On August 20, 2002, the Board acknowledged receipt of the Notice of Appeal, notified the Director and Approval Holder and requested the Director provide a copy of the records related to the appeal (the “Record”) to the Board. The parties were also requested to provide the Board with available dates for a mediation meeting or hearing. The Board advised the Appellant that the appeal had been filed outside the prescribed time frame set out in Section 116 of the *Water Act*¹ and requested the Appellant to advise the Board if he wished to request an extension of time to appeal.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board and the Alberta Energy and Utilities Board asking whether this matter had been the subject of a hearing or review under their respective legislation. Both Boards responded in the negative.

[5] As a response to the Board’s letter of August 20, 2002 was not received from the Appellant, the Board wrote to the Appellant on August 28, 2002 requesting a response with respect to the late filing of his appeal by September 3, 2002.

¹ Section 116(1) states:

A notice of appeal must be submitted to the Environmental Appeal Board

a) not later than 7 days after

ii) in the case of an approval, receipt of notice of the decision that is appealed from or the last provision of notice of the decision that is appealed from.

[6] On August 26, 2002, the Board received a letter from the Director with respect to the late filing of Mr. Victoor's Notice of Appeal. The Director's August 26, 2002 letter stated:

"... please be advised that the Department opposes any application that may be made for an extension of time for filing the appeal notices..."

[7] The Board acknowledged the Director's letter on August 28, 2002 and advised that once it had received a response from the Appellant, it would decide on the status of his appeal.

[8] On September 3, 2002, the Board received a letter dated August 28, 2002, from the Appellant withdrawing his appeal. The letter stated:

"I withdraw my Notice of Appeal...I talked to Alberta Environments Rod Lumabi out of Stony Plain Office. He showed me the plans of Parkbridge Communities Inc., and the evaporation ponds which are not suppose to affect my land...."

II. DECISION

[9] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 and based on the Appellant's letter of August 28, 2002, the Board discontinues its proceedings in Appeal No. 02-067 and closes its file.

Dated on September 6, 2002, at Edmonton, Alberta.

William A. Tilleman, Q. C.
Chair