

ALBERTA ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – July 28, 2004

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 appeals filed by View Mont Estates Ltd. with respect to the decision of the Inspector, Central Region, Regional Services, Alberta Environment, to refuse to issue Reclamation Certificates to View Mont Estates Ltd., for the View Mont et al Chauvs 15D-22-42-1-W4 Well, and the View Mont et al Chauvs 1B-27-42-1 W4M Well.

Cite as: *View Mont Estates Ltd. v. Inspector, Central Region, Regional Services, Alberta Environment* (28 July 2004), Appeal Nos. 04-032 and 04-033-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

Alberta Environment refused to issue Reclamation Certificates to View Mont Estates Ltd. for the View Mont et al Chauvs 15D-22-42-1-W4 Well, and the View Mont et al Chauvs 1B-27-42-1 W4M Well near Chauvin, Alberta.

The Board received Notices of Appeal from View Mont Estates Ltd. appealing Alberta Environment's decisions.

The Board began processing the appeals. However, the Appellant withdrew the appeals. The Board therefore closes its files in these matters.

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I. BACKGROUND

[1] On May 10, 2004, the Inspector, Central Region, Regional Services, Alberta Environment (the “Inspector”), refused to issue a Reclamation Certificate (the “Certificate”) to View Mont Estates Ltd. with respect to the View Mont et al Chauvs 1B-27-42-1 W4 well, near Chauvin, Alberta. On May 13, 2004, the Inspector, Central Region, Regional Services, Alberta Environment (the “Inspector”) refused to issue a Reclamation Certificate to View Mont Estates Ltd. with respect to the View Mont et al Chauvs 15D-22-42-1 W4M well near Chauvin, Alberta.

[2] On July 7, 2004 the Environmental Appeals Board (the “Board”) received two Notices of Appeal from Mr. G. Arnold Armstrong, filed on behalf of View Mont Estates (the “Appellant”) appealing the Inspector’s decisions.

[3] On July 7, 2004, the Board wrote to the Appellant and the Inspector (collectively the “Parties”) acknowledging receipt of the Notices of Appeal and notifying the Inspector of the appeals. The Board also requested the Inspector provide the Board with a copy of the records (the “Record”) relating to these appeals, and that the Parties provide available dates for a mediation meeting or hearing.

[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 Board’s responded in the negative.

[5] July 19, 2004, the Board received a copy of the Record from the Inspector and on July 21, 2004, forwarded a copy of the Record to the Appellant.

[6] On July 19, 2004, the Board also received a letter dated July 16, 2004 from the Appellant, stating:

“...View Mont Estates Ltd., have decided to withdraw their appeal with reference to Appeal Board file numbers EAB 04-032 and EAB 04-033...”

II. DECISION

[7] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based upon the withdrawal of the appeals by the Appellant, the Board hereby discontinues its proceedings in Appeal Nos. 04-032 and 04-033 and closes its files.

Dated on July 28, 2004, at Edmonton, Alberta.

William A. Tilleman, Q.C.
Chairman