

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – October 25, 2007

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 an appeal filed by Spruce Meadows with respect to *Water Act* Approval No. 00240168-00-00 issued to the City of Calgary by the Director, Southern Region, Regional Services, Alberta Environment.

Cite as: *Spruce Meadows v. Director, Southern Region, Regional Services, Alberta Environment*, re: *City of Calgary* (25 October 2007), Appeal No. 07-123-DOP (A.E.A.B.).

I. BACKGROUND

[1] On September 4, 2007, the Director, Southern Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 00240168-00-00, under the *Water Act*, R.S.A. 2000, c. W-3 (the “Approval”), to the City of Calgary (the “Approval Holder”) authorizing the completion of the construction works associated with a water main pipeline installation and reclamation along the perimeter of Radio Tower Creek Wetland, for the Silverado Subdivision development in Calgary, Alberta.

[2] On September 6, 2007, the Environmental Appeals Board (the “Board”) received a Notice of Appeal and a Stay request from Spruce Meadows, a sole proprietorship of R. D. Southern (the “Appellant”) appealing the Approval.

[3] On September 6, 2007, the Board wrote to the Appellant, the Approval Holder and the Director (collectively the “Participants”) acknowledging receipt of the Notice of Appeal and notifying the Approval Holder and the Director of the appeal. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to this appeal. The Board also requested the Appellant provide the Board with a written submission regarding the Stay request by September 7, 2007.

[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] On September 12, 2007, the Board received a letter from the Appellant advising the Participants had reached an agreement, and that Approval and the appeal were no longer necessary. The Appellant asked the Board to hold the appeal in abeyance until the agreement could be finalized. The Board granted the abeyance and on September 24, 2007, received a letter from the Appellant requesting the Board continue to hold the appeal in abeyance. The Board granted the abeyance and requested a status report from the Appellant by October 15, 2007.

[6] The Board received a letter on October 16, 2007 from the Appellant withdrawing the appeal. The Appellant's letter stated:

“...we are pleased to advise that the parties have resolved this matter and our clients no longer intend to proceed with the within appeal and related stay application. As such we advise that the Alberta Environmental Appeals Board may close its file.”

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 appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 07-123 and closes its file.

Dated on October 25, 2007, at Edmonton, Alberta.

Dr. Steve E. Hruddy, FRSC, PEng
Chair