

2013 ABEAB 29**Appeal No. 13-008****Appellant** – Tony and Louise Harris, **Operator** – Village of Marwayne, **Location** – Marwayne

A Notice of Appeal and request for a Stay were received on July 16, 2013 from Tony and Louise Harris in relation to the July 4, 2013 decision of Alberta Environment and Sustainable Resource Development (AESRD) to issue *Water Act* Approval No. 00327259-00-00 to the Village of Marwayne authorizing the construction, operation and maintenance of a storm water management system, in the Village of Marwayne.

The Board requested the Appellants answer questions in relation to the Stay and how they are directly affected by the Approval. On July 23, 2013, the Board determined sufficient information had been presented for the Board to consider issuing a Stay, or potentially a temporary Stay and allowed further submissions before making a final decision.

On August 16, 2013, the Board advised that it found the Appellants to be directly affected but denied the request for a Stay. Although the Appellants demonstrated there was a serious issue to be determined, they did not demonstrate they would suffer irreparable harm in the time it would take the Board to hear the appeal. Furthermore, the irreparable harm claimed by the Appellants could be compensated for monetarily. The granting of the Stay would not prevent the irreparable harm the Appellants claimed was already occurring even though the project had not been constructed. The reasonable possibility of irreparable harm being suffered by the Appellants if a Stay was not granted is a prerequisite for the Board to grant a Stay. The Board issued its reasons on October 4, 2013.

Cite as: Stay Decision: *Harris v. Director, Central Region, Operations Division, Alberta Environment and Sustainable Resource Development*, re: *Village of Marwayne* (04 October 2013), Appeal No. 13-008-ID1 (A.E.A.B.)

On September 11, 2013, in consultation with the parties, the Board advised a mediation meeting would be held on September 27, 2013. A resolution was signed by the parties at the September 27, 2013 mediation meeting and on October 8, 2013, the Board was advised that the Village of Marwayne Council had approved the resolution. As a result of the approved resolution, the appeal was withdrawn, and the Board discontinued its proceedings and closed its file.