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ALBERTA  
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

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Date of Discontinuance of Proceedings – May 31, 2001

**IN THE MATTER OF** Sections 84, 85 and 87 of the *Environmental Protection and Enhancement Act*, S.A. c. E-13.3 and section 115 of the *Water Act*, S.A. 1996, c. W-3.5.

-and-

**IN THE MATTER OF** an appeal filed on May 17, 2001 by Ms. Zena Moisey with respect to Enforcement Order No. 2001-WA-05/*Water Act*, issued to Ms. Moisey by the Director, Enforcement and Monitoring, Northeast Boreal Region, Alberta Environment for the placement of rocks and material on the shore and Reserve of Lac La Biche, without an Approval.

Cite as: *Moisey v. Director, Enforcement and Monitoring, Northeast Boreal Region, Alberta Environment.*

## **EXECUTIVE SUMMARY**

A Notice of Appeal was received from Ms. Zena Moisey on May 17, 2001. Ms. Moisey was appealing the decision of the Director, Enforcement and Monitoring, Northeast Boreal Region, Alberta Environment, to issue Enforcement Order No. 2001-WA-05 to Ms. Moisey.

Ms. Moisey is the registered owner of a property located on the southeast side of Lac La Biche, and had hired a company to deposit rock and material on the shore and Reserve of the property, in an effort to stabilize the bank on the property. Ms. Moisey had this work carried out without an Approval from Alberta Environment, and as a result, she received the Enforcement Order.

As a result of a meeting that took place between Ms. Moisey and Alberta Environment on May 25, 2001, Ms. Moisey withdrew her appeal.

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## **I. BACKGROUND**

[1] On May 3, 2001, the Director, Enforcement and Monitoring, Northeast Boreal Region (the “Director”) issued Enforcement Order No. 2001-WA-05 (the “Enforcement Order”) to Ms. Zena Moisey (the “Appellant”). The Enforcement Order is with respect to the placement of rock and material on the shore and Reserve of Lac La Biche without an Approval.

[2] On May 17, 2001, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Ms. Moisey, appealing the Director’s decision.

[3] On May 17, 2001, the Board acknowledged Ms. Moisey’s Notice of Appeal, and As the Notice of Appeal appeared to be outside the time limit prescribed in the *Water Act*, S.A. 1996, c.W-3.5. Ms. Moisey was asked to advise the Board if she wished to request an extension of time to appeal, indicating the reasons for the extension and to provide an explanation as to why the appeal was filed outside the 7 day time limit. By copy of the Board’s letter of May 17, 2001, the Board requested the Director provide the Board with the Records relevant to the appeal by May 31, 2001. Both parties were requested to provide dates for a mediation meeting/settlement conference or hearing.

[4] According to standard practice, on May 17, 2001, the Board wrote to the Natural Resources Conservation Board (the “NRCB”) and the Alberta Energy and Utilities Board (the “AEUB”) asking whether this matter had been the subject of a hearing or review under their respective legislation. To date no responses have been received.

[5] On May 24, 2001, the Board received a letter from the Director advising that he would be meeting with the Appellant on May 25, 2001, to discuss Ms. Moisey’s concerns with the Enforcement Order in more detail. The Director requested an extension of time to provide dates for a mediation meeting/settlement conference or hearing pending the outcome of the meeting between the Director and the Appellant.

[6] The Board acknowledged the Director’s letter of May 24, 2001, granting the request for extension and requesting a status report as well as all of the information that had been requested in the Board’s letter of May 17, 2001, by the close of business on May 29, 2001.

[7] On May 28, 2001, the Board received a note from Ms. Moisey stating:

“As a result of Friday’s meeting, I wish to call off the appeal at this time...”

[8] On May 29, 2001 the Board received a letter from the Director advising that the parties may be able to reach a mutually agreeable solution. The Director advised that he would contact the Board as soon as any additional information regarding the status of the Appeal became available.

[9] By letter of May 29, 2001, the Board acknowledged both the Appellant’s note and the Director’s letter. The Board requested that the Appellant clarify her note, as it appeared she wished to withdraw her appeal, and that the Director provide a status report. The Board requested the parties provide this information by June 4, 2001.

[10] On May 30, 2001, the Board received a letter from the Appellant stating:

“Due to a meeting between myself and Mr. Albert Poulette on Friday, May 25, 2001, I wish to call off my appeal.”

## **II. DECISION**

[11] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on the Appellant’s letter of May 30, 2001, the Board hereby discontinues its proceedings in Appeal No. 01-048 and will be closing its file.

Dated on May 31, 2001, at Edmonton, Alberta.

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William A. Tilleman, Q.C.