

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – May 31, 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. Joseph Pitt with respect to *Water Act* Approval No. 00183288-00-00 issued on March 22, 2002 by the Director, Central Region, Regional Services, Alberta Environment to Burt Consulting and Development Ltd., to construct, operate and maintain stormwater management works on an unnamed water body in SE 25-38-28-W4, in Red Deer, Alberta.

Cite as: *Pitt v. Director, Central Region, Regional Services, Alberta Environment, re: Burt Consulting and Development Ltd.*

PARTIES

Appellant: Mr. Joseph Pitt

Director: Mr. David Helmer, Director, Central Region, Regional Services, Alberta Environment, represented by Ms. Michelle Williamson, Alberta Justice.

Approval Holder: Mr. Stephen Burt, Burt Consulting and Development Ltd.

EXECUTIVE SUMMARY

Alberta Environment issued an Approval authorizing Burt Consulting and Development Ltd. to construct, operate and maintain stormwater management works on an unnamed water body in SW 25-38-28-W4 near Red Deer, Alberta.

The Board received a Notice of Appeal from Mr. Joseph Pitt appealing the Approval.

The Board held a mediation meeting and settlement conference in Red Deer, Alberta, following which a resolution was reached by the parties and the Appellant withdrew his appeal.

The Board recommends the parties involved in the mediation meeting and settlement conference continue open conversations with each other with respect to the drainage works being carried out in the area.

The Board now closes its file.

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I. BACKGROUND

[1] On March 22, 2002, the Director, Central Region, Regional Services, Alberta Environment (the “Director”) issued Approval No. 00183288-00-00 (the “Approval”) to Burt Consulting and Development Ltd. (the “Approval Holder”). The Approval authorizes the Approval Holder to construct, operate and maintain stormwater management works on an unnamed water body in SE 25-38-28-W4, near Red Deer, Alberta.

[2] On March 28, 2002, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Mr. Joseph Pitt (the “Appellant”), appealing the Approval.

[3] On April 5, 2002, the Board acknowledged receipt of the Notice of Appeal, notified the Director and Approval Holder of the appeal 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 and settlement conference 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 Boards responded in the negative.

[5] On April 5, 2002, the Director requested an extension of time in which to produce the Record. The extension was granted and Board received the Record from the Director on April 19, 2002. A copy of the Record was provided to the Appellant and Approval Holder.

[6] On April 18, 2002, the Board wrote to Mr. Gregg Johnson, Reeve for the Red Deer County (“Red Deer County”) advising him that he had been identified as an interested party by the Appellant. The Board provided Red Deer County with a copy of the Approval and a copy of the Notice of Appeal filed in this matter.

[7] On May 8, 2002, in consultation with the parties the Board scheduled the mediation meeting and settlement conference, to be held in Red Deer, Alberta on May 30, 2002.

II. THE MEDIATION MEETING AND SETTLEMENT CONFERENCE

[8] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting and settlement conference in Red Deer, Alberta on May 30, 2002 with Dr. John Ogilvie as the presiding Board Member.

[9] In conducting the mediation meeting and settlement conference, Dr. Ogilvie reviewed the appeal and mediation process and explained the purpose of the mediation meeting. He then circulated copies of the Participants' Agreement to Mediate. All parties signed the Agreement and discussions ensued.

[10] Following productive and detailed discussions, a resolution evolved at the May 30, 2002 mediation meeting and the Appellant withdrew his appeal.

III. DECISION

[11] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based on the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 01-133 and closes its files.

Dated on May 31, 2002, at Edmonton, Alberta.

“original signed by” _____

William A. Tilleman, Q.C.

Chair