

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – August 15, 2003

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 John Dennehy, Sheila Thompson, Keith and Carol Quaiife, Kelly Calkins, M. Lois Bell, Kevin O’Neil, Vern Shoemaker, Pierrette Doohan, Rae Allen, M. Smith, Hank Hendricks, Marvel Currie, Maurice Juchli, Jerry Hoshowski, Lori and Brent Mikkelsen, Darla and Jim Dragon, G. Mattock, D. Losie, Hank Hendricks, Bob Tomlinson, Brian Vanstone, H.J. Kowalchuk, K. and L. Fenemor, Harley Johnson and Lynne Staples, Andy and Darlene Davidson, Jack Lozeron, Carol Allen, J. and M. Helps, Daryl Allen, Ed and R. Karpluk, Lillian Karpoff, and Harvey Tober, with respect to *Water Act* Approval No. 00191814-00-00 issued to Gregg Properties Co. Ltd. by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Dennehy et al. v. Director, Central Region, Regional Services, Alberta Environment, re: Gregg Properties Co. Ltd.* (15 August 2003), Appeal Nos. 03-083-114-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

Alberta Environment issued an Approval to Gregg Properties Co. Ltd. authorizing them to construct, operate and maintain a storm water management facility located in SW 28-047-01-W5 for the purpose of collecting and draining storm water into Pigeon Lake and an unnamed tributary of Pigeon Lake.

The Board received appeals from 32 Pigeon Lake property owners appealing the Approval. The Board began processing the appeal, however, the Appellants subsequently withdrew their appeals.

The Board therefore closed its file in this matter.

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I. BACKGROUND

[1] On July 21, 2003, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Approval No. 00191814-00-00 (the “Approval”) under the *Water Act*, R.S.A. 2000, c. W-3, to Gregg Properties Co. Ltd. (the “Approval Holder”) authorizing the construction, operation and maintenance of a storm water management facility in SW 28-047-01-W5 for the purpose of collecting and draining storm water into Pigeon Lake and an unnamed tributary of Pigeon Lake, Alberta.

[2] On July 29, 2002, the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Mr. John Dennehy, Ms. Sheila Thompson, Mr. Keith and Ms. Carol Quaife, Kelly Calkins, M. Lois Bell, Mr. Kevin O’Neil, Mr. Vern Shoemaker, Mr. Pierrette Doohan, Ms. Rae Allen, M. Smith, Mr. Hank Hendricks, Mr. Marvel Currie, Mr. Maurice Juchli, Mr. Jerry Hoshowski, Mr. Brent and Ms. Lori Mikkelsen, Mr. Jim and Ms. Darla Dragon, G. Mattock, D. Losie, Mr. Hank Hendricks, Mr. Bob Tomlinson, Mr. Brian Vanstone, H.J. Kowalchuk, K. and L. Fenemor, Mr. Harley Johnson and Ms. Lynne Staples, Mr. Andy and Ms. Darlene Davidson, Mr. Jack Lozeron, Ms. Carol Allen, J. and M. Helps, Mr. Daryl Allen, Mr. Ed and R. Karpluk, Ms. Lillian Karpoff, and Mr. Harvey Tober (the “Appellants”) appealing the Approval.

[3] The Board acknowledged receipt of the Notice of Appeal on July 30, 2003, notified the Director and the Approval Holder of the appeals and requested the Appellants, the Director and the Approval Holder (collectively the “Parties”), provide the Board with their available dates for a mediation meeting or hearing. The Board also requested the Director provide a copy of the documents related to these appeals (the “Record”) to the Board.

[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 August 7, 2003, the Board received a copy of the Record from the Director and advised that the County of Leduc may have an interest in these appeals as the infrastructure authorized pursuant to the Approval would be transferred and maintained by the Municipality

after completion. The Director also provided dates for a mediation meeting or hearing, and lastly, requested that the appeals be combined pursuant to section 3 of the Environmental Appeal Board Regulation, A.R. 114/93, as one Statement of Concern was filed on behalf of the Appellants.

[6] On August 11, 2003, the Board received a letter from the Approval Holder providing dates for a mediation meeting or hearing. The letter also advised that the County of Leduc may have an interest in these appeals.

[7] On August 12, 2003, the Board received a letter from the Appellants stating "...please be advised that the Notice of Appeal forwarded to Alberta Environment Appeal Board on July 28, 2003 is hereby discontinued and withdrawn on behalf of all appellants."

[8] On August 12, 2003, the Board acknowledged receipt of letters dated August 12, 2003 from the Appellants, dated August 11, 2003 from the Approval Holder, and dated August 7, 2003 from the Director. The letter also advised that as the appeals in this matter have been withdrawn by the Appellants, the Board would be issuing a Discontinuance of Proceedings and closing its file.

II. DECISION

[9] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act* R.S.A. 2000, c. W-3, and based on the Appellants' letter of August 12, 2003, the Board hereby discontinues its proceedings in Appeal Nos. 03-083 – 03-114 and closes its file.

Dated on August 15, 2003, at Edmonton, Alberta.

"original signed by"

William A. Tilleman, Q.C., Chair