

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Mediation Meeting – September 3, 2008
Date of Discontinuance of Proceedings – September 5, 2008

IN THE MATTER OF sections 91, 92 and 95 of the
Environmental Protection and Enhancement Act, R.S.A. 2000, c.
E-12;

-and-

IN THE MATTER OF an appeal filed by Brian Sidorsky,
Lansdowne Equity Ventures Ltd., with respect to *Environmental
Protection and Enhancement Act* Approval No. 9790-02-00 issued
to Hub Oil Company Ltd. by the Director, Southern Region,
Environmental Management, Alberta Environment.

Cite as: *Sidorsky and Lansdowne Equity Ventures Ltd. v. Director, Southern Region,
Environmental Management, Alberta Environment, re: Hub Oil Company Ltd.*
(05 September 2008), Appeal No. 08-005-DOP (A.E.A.B.).

I. BACKGROUND

[1] On April 28, 2008, the Director, Southern Region, Environmental Management, Alberta Environment (the “Director”) issued Approval No. 9790-02-00 (the “Approval”) under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to Hub Oil Company Ltd. (the “Approval Holder”) for the reclamation of the Hub Oil Facility for the processing of hazardous recyclables, near Calgary, Alberta.

[2] On May 30, 2008, the Environmental Appeals Board (the “Board”) received a Notice of Appeal dated May 28, 2008, from Mr. Brian Sidorsky, Lansdowne Equity Ventures Ltd., (the “Appellants”) appealing the Approval. The Appellants stated their concerns were a lack of consultation with them and the effect of Director’s decision on Lansdowne Equity Ventures Ltd.

[3] On June 2, 2008, the Board wrote to the Appellants, 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 and that the Participants provide available dates for a mediation meeting, a preliminary motions hearing or a hearing.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board, the Energy Resources Conservation Board and the Alberta Utilities Commission asking whether this matter had been the subject of a hearing or review under their respective legislation. The boards all responded in the negative.

[5] On July 8, 2008, in consultation with the Participants, the Board scheduled mediation meeting for September 3, 2008 in Calgary, Alberta.

[6] The Board received a copy of the Record on July 28, 2008 and provided a copy to the Appellants and the Approval Holder on August 8, 2008.

[7] On August 14, 2008, the Board received a letter from the Director raising preliminary motions. The Board responded by letter on August 15, 2008 advising it would like to address the preliminary motions after the September 3, 2008 mediation meeting, because it

would be a more efficient use of all resources for the Participants and the Board to proceed in this manner. The Board did not receive any objections from the Participants and proceeded to the mediation meeting on September 3, 2008.

II. MEDIATION MEETING

[8] Pursuant to section 11 of the Environmental Appeal Board Regulation, A.R. 114/93, the Board conducted a mediation meeting in Calgary, Alberta, on September 3, 2008 with Mr. Alex MacWilliam, Board Member, as the presiding mediator (the “Mediator”).

[9] In conducting the mediation meeting, the Mediator reviewed the appeal and the mediation process and explained the purpose of the mediation meeting. He then circulated copies of the Participants’ Agreement to Mediate. All in attendance signed the agreement and discussions ensued.

[10] Following productive and detailed discussions at the mediation meeting, the Appellants withdrew their appeal.

III. DECISION

[11] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by the Appellants, the Board hereby discontinues its proceedings in Appeal No. 08-005 and closes its file.

Dated on September 5, 2008, at Edmonton, Alberta.

“*original signed by*”

Dr. Steve E. Hrudehy, FRSC, PEng
Chair