

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – March 16, 2010

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 Norman Chiles, Chiles Development Corporation, and Chiles Homes Ltd., with respect to *Water Act* Enforcement Order No. WA-EO-2009/01-CR issued to Norman Chiles, Chiles Development Corporation Ltd., and Chiles Homes Ltd., by the Director, Central Region, Environmental Management, Alberta Environment.

Cite as: *Chiles Development et al v. Director, Central Region, Environmental Management, Alberta Environment*, (16 March 2010), Appeal No. EAB 09-005-DOP (A.E.A.B.).

I. BACKGROUND

[1] On June 12, 2009, the Director, Central Region, Environmental Management, Alberta Environment, issued Enforcement Order No. WA-EO-2009/01-CR under the *Water Act*, R.S.A. 2000, c. W-3, to Chiles Development Corporation Ltd., Chiles Homes Ltd., and Mr. Norman Chiles, for allegedly contravening the *Water Act* by illegally diverting water without a licence from the Chiles Business Park at S ½ 03-39-27-W4M, in Red Deer, Alberta.

[2] On June 18, 2009, the Environmental Appeals Board received a Notice of Appeal from Mr. Norman Chiles, on behalf himself, Chiles Development Corporation Ltd., and Chiles Homes Ltd. appealing the Enforcement Order.

[3] On June 29, 2009, the Board set a schedule to receive written submissions from Mr. Chiles and Alberta Environment to address Alberta Environment's motion that the Enforcement Order is not appealable as it does not meet the requirements of section 115(1)(p) of the *Water Act*. Extensions were granted to the submission schedule while discussions were taking place between Mr. Chiles and Alberta Environment; in addition, 3 amendments were also issued to the Enforcement Order. Mr. Chiles and the Director continued discussions, and on March 9, 2010, the Board was advised that as a result of 8 water licences being issued to Mr. Chiles, he has satisfied the requirements of the Enforcement Order and was therefore withdrawing his appeal.

II. DECISION

[4] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based upon the withdrawal of the appeal by Mr. Chiles, the Board hereby discontinues its proceedings in Appeal No. 09-005 and closes its file.

Dated on March 16, 2010, at Edmonton, Alberta.

“original signed by”

Delmar W. Perras
Chair