

ALBERTA ENVIRONMENTAL APPEALS BOARD

Decision

Date of Decision – April 16, 2015

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 Janine Sakowicz with
respect to an abandoned gas station site at 105 Street and 82
Avenue in Edmonton, Alberta .

Cite as: *Sakowicz v. Director, Red Deer-North Saskatchewan Region, Alberta
Environment and Sustainable Resource Development* (16 April 2015), Appeal No.
14-020-D (A.E.A.B.).

BEFORE:

Justice Delmar W. Perras, (ret.), Board Chair.

PARTICIPANT:

Appellant:

Janine Sakowicz, represented by her agent, Ida Krooic.

EXECUTIVE SUMMARY

The Board received a Notice of Appeal from Janine Sakowicz (the Appellant). She expressed concerns regarding the clean-up of an abandoned gas station site (the Site) in Edmonton.

The Board wrote to the Appellant and her agent on January 6, 2015. The Board contacted Alberta Environment and Sustainable Resource Development and was advised no decisions regarding the Site had been made recently. The Board asked the Appellant to provide additional information about any decision that may have been made about the Site. The Board warned the Appellant the Board may dismiss the appeal if she failed to respond in a timely manner.

On January 24, 2015, the Board's letter was returned marked "unclaimed." The e-mail sent to her agent was also rejected.

The Board dismissed the appeal since the Appellant failed to respond to the Board's request for further information.

TABLE OF CONTENTS

I. BACKGROUND	1
II. ANALYSIS	2
III. CONCLUSION	2

I. BACKGROUND

[1] On December 8, 2014, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Janine Sakowicz (the “Appellant”) regarding an abandoned gas station site at 105 Street and 82nd Avenue (the “Site”) in Edmonton.

[2] On January 6, 2015, the Board wrote to the Appellant and her agent, Ms. Ida Krooic, acknowledging receipt of the Notice of Appeal. The Board explained it contacted Alberta Environment and Sustainable Resource Development (“AESRD”) and asked if any decision had been made regarding the Site. AESRD advised the Board that it had not made any decisions regarding the site in the last three months. In its letter, the Board noted it did not appear that there was a decision that could be appealed and that it was required to dismiss the appeal.

[3] The Board asked the Appellant and her agent to provide additional information that they may have about any decision that has been made by AESRD with respect to the Site that could be appealed. The Board asked the information be provided to the Board by January 30, 2015. The Board warned the Appellant that if no additional information was provided by that date, the Board may dismiss the appeal. The Board noted:

“Please be advised that the Environmental Appeals Board has strict timelines. Failure to respond to the Board in a timely manner may result in the dismissal of the appeal pursuant to section 95(5)(a)(iv) of the *Environmental Protection and Enhancement Act*.”

[4] On January 25, 2015, the Board’s letter was returned to the Board marked “unclaimed.” The letter was also sent to the Appellant’s agent by e-mail, but the e-mail was rejected and the Board was unable to locate any other contact information for the agent. The Board was unable to locate any other contact information for the Appellant.

II. ANALYSIS

[5] Under section 95(5)(a)(iv) of *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (“EPEA”),¹ the Board has the authority to dismiss an appeal if an appellant fails to provide information requested by the Board. In this case, the Board requested the Appellant provide additional information regarding the appeal. The Board attempted to contact the Appellant and her agent using the information provided in the Notice of Appeal. However, the attempts were unsuccessful and, despite its best efforts, the Board has no alternative methods of contacting the Appellant. The Appellant has not attempted to follow up on her appeal during the four months since the appeal was filed.

[6] Since the Appellant failed to respond to the Board’s request for any additional information to show AESRD has made a decision regarding the Site that is appealable, the Board dismisses the appeal.

III. CONCLUSION

[7] Pursuant to section 95(5) of EPEA, the Board dismisses the appeal since the Appellant failed to respond to the Board’s request for further information.

Dated on April 16, 2015, at Edmonton, Alberta.

“original signed by”

D. W. Perras
Board Chair

¹ Section 95(5):

“The Board

(a) may dismiss a notice of appeal if

(iv) the person who submitted the notice of appeal fails to comply with a written notice under section 92....”

Section 92 provides:

“Where the Board receives a notice of appeal, it may by written notice given to the person who submitted the notice of appeal require the submission of additional information specified in the written notice by the time specified in the written notice.”