

**15-020**

**2018 AEAB 14**

**Appellant** – 1370996 Alberta Ltd., **Operator** – 1370996 Alberta Ltd., **Location** – Carmangy, Alberta, **Type of Appeal** – Discontinuance

A Notice of Appeal was received from 1370996 Alberta Ltd. on July 24, 2015 with respect to the decision of the Director, Alberta Environment and Parks, to issue Environmental Protection Order No. EPO-2015/02-SSR to 1370996 Alberta Ltd. for allegedly releasing a substance into the environment, at W½ -11-14-23-W4M, which is immediately adjacent to the Little Bow River and that the substance may cause, was causing or had caused an adverse effect on the environment, including impairment of or damage to the environment, human health or safety of property.

A request for a stay was received from the Appellant on July 29, 2015. Since the Director, Alberta Environment and Parks, did not consent to a stay of the Order, the Board proceeded to request the Appellant provide a written submission answering the Board's standard four questions relating to stay applications:

1. What are the serious concerns of the Appellants that should be heard by the Board?
2. Would the Appellants suffer irreparable harm if the stay is refused?
3. Would the Appellants suffer greater harm if the stay was refused pending a decision of the Board, than the Director would suffer from the granting of a stay?
4. Would the overall public interest warrant a stay?

Submissions were received and in its letter of August 12, 2015, the Board acknowledged that though there was a significant issue to be heard in the appeal, the Board decided to deny the stay application because the Appellant did not demonstrate it would suffer irreparable harm and the public interest did not warrant the granting of the stay. The Board issued its reasons for this decision on October 14, 2015.<sup>i</sup>

In consultation with the parties, a mediation meeting was held on September 11, 2015 in Lethbridge, Alberta. The parties continued to discuss following the mediation meeting and provided the Board with regular status reports on their discussions. Discussions continued until on August 16, 2018 the Board was notified by the Director, Alberta Environment and Parks, the Order was closed. On August 20, 2018, the Board received notice from 1370996 Alberta Ltd. it was withdrawing their appeal. Based on the withdrawal of the appeal, the Board discontinued its proceedings and closed its file on August 24, 2018.

Cite as: *1370996 Alberta Ltd. v. Alberta Environment and Parks* (04 September 2018), Appeal No. 15-020 (A.E.A.B.)

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<sup>i</sup> Stay Decision: *1370996 Alberta Ltd. v. Director, South Saskatchewan Region, Alberta Environment and Parks* (14 October 2015), Appeal No. 15-020-ID1 (A.E.A.B.).