

COURT OF APPEAL OF ALBERTA

Form AP-1
[Rule 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER: 1801-0385AC
TRIAL COURT FILE NUMBER: 1701-00469
REGISTRY OFFICE: Calgary
PLAINTIFF/APPLICANT: NORMTEK RADIATION SERVICES LTD.
STATUS ON APPEAL: Appellant
DEFENDANT/RESPONDENT: ALBERTA ENVIRONMENTAL APPEALS BOARD and SECURE ENERGY SERVICES INC. and DIRECTOR OF ALBERTA ENVIRONMENT AND PARKS
STATUS ON APPEAL: Respondent



DOCUMENT: **CIVIL NOTICE OF APPEAL**
APPELLANT'S ADDRESS FOR SERVICE AND CONTACT INFORMATION: SHAUN FLUKER, Barrister and Solicitor
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WARNING

To the Respondent: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

1. Particulars of Judgment, Order or Decision Appealed From:

Date pronounced: November 21, 2018
Date entered: November 21, 2018
Date served: November 21, 2018

Official neutral citation of reasons for decision, if any:

(do not attach copy) 2018 ABQB 911

(Attach a copy of order or judgment: Rule 14.12(3). If a copy is not attached, indicate under item 14 and file a copy as soon as possible: Rule 14.18(2).)

2. Indicate where the matter originated:

Court of Queen's Bench

Judicial Centre: Calgary

Justice: J.R. Ashcroft

On appeal from a Queen's Bench Master or Provincial Court Judge?: Yes No

Official neutral citation of reasons for decision, if any, of the Master or Provincial Court Judge:

(do not attach copy) _____

(If originating from an order of a Queen's Bench Master or Provincial Court Judge, a copy of that order is also required:

Rule 14.18(1)(c).)

Board, Tribunal or Professional Discipline Body

Specify Body: _____

3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)):

Permission not required, or Granted

Date: _____

Justice: _____

(Attach a copy of order, but not reasons for decision.)

4. Portion being appealed (Rules 14.12(2)(c)):

Whole, or

Only specific parts (if specific part, indicate which part):

5. Provide a brief description of the issues:

The Court of Queen's Bench erred in law by concluding that the Environmental Protection and Enhancement Act, RSA 2000 c E-12 ("the Act") does not provide the Alberta Environmental Appeals Board (the "Board") with jurisdiction to grant public interest standing or otherwise grant standing to a party who does not meet the legislated test of 'directly affected', to proceed with an appeal before the Board under Part 4 of the Act.

The Court of Queen's Bench erred in law by concluding that an adverse impact cannot qualify a party as directly affected under part 4 of EPEA unless that adverse impact is in turn connected to that person's use of a natural resource.

The Court of Queen's Bench erred in law by ruling that reasonableness is the standard of review applicable to the Board's decision that it has no authority to grant public interest standing for the purpose of hearing an appeal under Part 4 of the Act.

6. Provide a brief description of the relief claimed:

The Appellant seeks an Order granting the appeal, quashing the decision of the Board, and directing the Board to reconsider the notice of appeal filed by the Appellant with the Board under Part 4 of the Act in accordance with the directions of this Court.

7. Is this appeal required to be dealt with as a fast track appeal? (Rule 14.14)

Yes No

8. Does this appeal involve the custody, access, parenting or support of a child? (Rule 14.14(2)(b))

Yes No

9. Will an application be made to expedite this appeal?

Yes No

10. Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate? (Rule 14.60)

Yes No

11. Could this matter be decided without oral argument? (Rule 14.32(2))

Yes No

12. Are there any restricted access orders or statutory provisions that affect the privacy of this file? (Rule 6.29, 14.12(2)(e), 14.83)

Yes No

If yes, provide details: _____

(Attach a copy of any order.)

13. List respondent(s) or counsel for the respondent(s), with contact information:

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If specified constitutional issues are raised, service on the Attorney General is required under s. 24 of the Judicature Act: Rule 14.18(1)(c)(viii).

14. Attachments (as applicable):

- Order of judgment under appeal if available (not reasons for decision) (Rule 14.12(3))
- Earlier order of Master, etc. (Rule 14.18(1)(c))
- Order granting permission to appeal (Rule 14.12(3)(a))
- Copy of any restricted access order (Rule 14.12(2)(e))

If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.