

Form 7
[Rule 3.8]

Clerk's Stamp:



COURT FILE NUMBER: 1803-03315

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE: EDMONTON

APPLICANT(S): GEORGE OLINECK

RESPONDENT(S): ALBERTA ENVIRONMENTAL APPEALS BOARD

DOCUMENT: ORIGINATING APPLICATION

Shores Jardine LLP
Barristers and Solicitors
2250, 10104 – 103 Avenue
Edmonton, Alberta T5J 0H8
Craig D. Boyer
Telephone: 780-448-9275
Facsimile: 780-423-0163
File No.: 1926-8292 CDB

NOTICE TO THE RESPONDENT

This application is made against you. You are a Respondent.

You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date: April 27, 2015
Time: 10:00 a.m.
Where: Edmonton Law Courts
Before: Judge in Motions Court

Go to the end of this document to see what you can do and when you must do it.

Basis for this claim:

1. Reasons for decision issued on October 28, 2014 by the Alberta Environmental Appeals Board in Appeal No.: 14-012-D.

Remedy sought:

2. An Order in the nature of certiorari quashing the decision of the Alberta Environmental Appeals Board and a declaration that the Applicant is entitled to relief under Section 116(2) of the *Water Act*, R.S.A. 2000, specifically that the Notice of Appeal filed by the Applicant with the Respondent on July 30, 2014 be declared as having been filed within the period of time for advancing an appeal under Section 116 of the *Water Act*.

Grounds for Judicial Review:

3. The Respondent Board erred by failing to exercise the discretion under Section 116(2) of the *Water Act* in a reasonable manner.
4. The Respondent erred by considering irrelevant factors in the exercise of discretion under Section 116(2) of the *Water Act*.
5. The Respondent erred by failing to consider or put sufficient weight on relevant factors to be considered in the exercise of discretion under Section 116(2) of the *Water Act*.
6. The Respondent erred by failing to apply the proper legal test set out in Section 116(2) of the *Water Act*.

Affidavit or other evidence to be used in support of this application:

7. The record of materials before the Respondent when it considered the matter.

Applicable Acts and regulations:

8. *Water Act*, R.S.A. 2000 c.W-3.

WARNING

You are named as a Respondent because you have made or are expected to make an adverse claim in respect of this Originating Application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings as against the Applicant and against all persons claiming under the Applicant. You will be bound by any order the Court makes, or another order might be given, or other proceedings taken which the Applicant is entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and time shown at the beginning of this form. If you intend to rely on an Affidavit or other evidence when the Originating Application is heard or considered, you must reply by giving reasonable notice of that material to the Applicant.

Form 8
[Rule 3.18]

Clerk's Stamp:

COURT FILE NUMBER: 1503.03315
 COURT OF QUEEN'S BENCH OF ALBERTA
 JUDICIAL CENTRE: EDMONTON
 APPLICANT: GEORGE OLINECK
 RESPONDENT: ALBERTA ENVIRONMENTAL APPEALS BOARD
 DOCUMENT: NOTICE TO OBTAIN RECORD OF PROCEEDINGS



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NOTICE TO ALBERTA ENVIRONMENTAL APPEALS BOARD

Requirement

You are required to provide the following or an explanation as to why they, or any of them, cannot be provided:

- a) the decision or written record of the act that is the subject of the Originating Application for the judicial review;
- b) the reasons given for the decision or act, if any;
- c) the document starting the proceeding;
- d) the evidence and Exhibits filed with you if any; and
- e) anything else in your possession relevant to the decision or act.