



# In the Court of Appeal of Alberta

(Please type or print. Attach additional pages if necessary.  
All applicable areas must be completed.)

Appeal Number

Q.B. Number

1101-16997

Form N

**BETWEEN:**

(The style of cause remains the same as in the Trial Court and must show status for both courts. Practice Direction A.2.)

Westridge Utilities Inc.

**Appellant**

Status on Appeal

**(Applicant)**

(Status at Trial)

**- AND -**

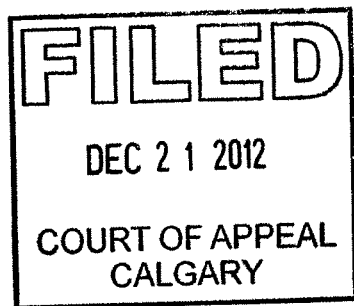
Director, Southern Region, Environmental Management,  
Alberta Environment & Water  
and  
Rockyview County  
and  
Environmental Appeals Board

**Respondent**

Status on Appeal

**(Respondent)**

(Status at Trial)



**Not a Party to the Appeal**

(Status at Trial)

**Not a Party to the Appeal**

(Status at Trial)

## Civil Notice of Appeal

1. Appeal from:  Judgment  Order  Decision

Portion being appealed (R.511):

Whole, or

Only specific part(s)

If specific part(s), indicate which part(s):

**Provide a brief description of the issues:**

Whether the Appellant was properly denied standing with respect to an appeal brought before the Environmental Appeal Board under the Water Act.

**Of the two options below, indicate where the order originated:**

**Court of Queen's Bench**

File number: 1101-16997

Location: Calgary

Justice: Justice. E.C. Wilson

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

(If you are appealing an order of a Queen's Bench Master or Provincial Court Judge, a copy of that order is also required.)

**Board, Tribunal or Professional Discipline Body**

Specify: \_\_\_\_\_

**2. Particulars of Judgment, Order or Decision Appealed from:**

Date pronounced: November 7, 2012

Date entered: December 4, 2012

Date served: December 5, 2012

Attach a copy pursuant to R.506(2). If a copy is not attached, provide reason:

(Upon the Judgment or Order becoming available, the Appellant shall forthwith file a copy with the Registrar.)

**3. If the order originated in the Court of Queen's Bench, check one of the following, to indicate the type of order that is under appeal:**

Interim order made in chambers. Specify nature of Order:

Final order or refusal to grant final order before trial (eg. summary judgment, striking pleadings, etc.)

Judgment after trial

**4(a) Is this appeal about procedure or custody or access only under Part J. of the Consolidated Practice Directions?**

Yes  No

**If yes, check applicable boxes:**

Error correcting only

Yes  No

Involves new law

Yes  No

**If yes, was viva voce evidence given in the court appealed from?**

Yes  No

**4(b) Is this a Family Law Appeal?**

Yes  No

**If yes, check applicable boxes:**

Divorce

Error correcting only

Yes  No

Involves new law

Yes  No

Maintenance Only

Child support

Spousal support

Spousal and Child support

Error correcting only

Yes  No

Involves new law

Yes  No

Maintenance Arrears

Child support

Spousal support

Spousal and Child support

Error correcting only

Yes  No

Involves new law

Yes  No

Matrimonial property

Error correcting only

Yes  No

Involves new law

Yes  No

Adoption

Error correcting only

Yes  No

Involves new law

Yes  No

Guardianship

Error correcting only

Yes  No

Involves new law

Yes  No

- Parentage
- Error correcting only  Yes  No
- Involves new law  Yes  No
- Protection against family violence
- Error correcting only  Yes  No
- Involves new law  Yes  No
- Other, please specify: \_\_\_\_\_
- Error correcting only  Yes  No
- Involves new law  Yes  No
- 5. Has this file been under Case Management in the Court of Queen's Bench?**  Yes  No

If yes, case management justice: \_\_\_\_\_

Trial date: \_\_\_\_\_

- 6. Is this case related to any case presently before or about to be filed in this Court?** (e.g. arises from same controversy; involves same, similar or related issues, etc.)  Yes  No

If yes, name of related case(s): \_\_\_\_\_

Action or appeal number(s): \_\_\_\_\_

Nature of relationship: \_\_\_\_\_

- 7. Is the constitutional validity of an Act or Regulation being challenged as a result of this appeal?**  Yes  No

- 8. Has mediation been attempted in the trial court?**  Yes  No

- 9. Are you willing to participate in Judicial Dispute Resolution with a view to settlement or crystallizing of issues?**  Yes  No

- 10. Would case management be beneficial?**  Yes  No

- 11. Could this matter be decided without oral argument?**  Yes  No

- 12. Should the appeal be expedited?**  Yes  No

If yes, provide reason:

- 13. Is there a statutory ban, ban on publication or an order of the Court which affects the privacy status of this file?**  Yes  No

If yes, provide details including which party/parties the ban or order affects and the section the ban was granted under:

14. Appellant's estimated time of argument (if less than 45 minutes): \_\_\_\_\_

15. List respondent(s) or counsel for the respondent(s)

Charlene Graham

Name

Alberta Justice - Environmental Law Section

Law Firm (if applicable)

1710 Standard Life Building, 639 - 5 Avenue S.W., Calgary, Alberta

Address

T2P 0M9

Postal Code

Telephone Number

403-662-3824

Fax Number

Andrew C.L. Sims, Q.C.

Name

The Sims Group

Law Firm (if applicable)

149, 10403 - 122 Street, Edmonton, Alberta

Address

T5N 4C1

Postal Code

Telephone Number

780-423-6813

Fax Number

Dennis K. Yasui, Q.C.

Name

Brownlee LLP

Law Firm (if applicable)

Suite 2000, WaterMark Tower, 530 - 8 Avenue S.W., Calgary, Alberta

Address

T2P 3S8

Postal Code

403-232-8300

Telephone Number

403-232-8408

Fax Number

**Note:** The address set out in section 15 will be considered the respondent's address for service until such time as the respondent files documentation specifying otherwise.

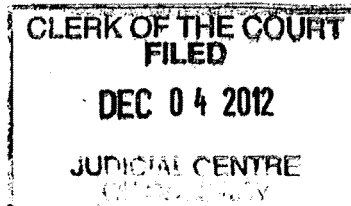
**All parties listed in section 15 must be served with a filed copy of the Notice of Appeal within the prescribed appeal period. (R.510(1))**

December 21, 2012

Date

  
Signature of Appellant(s) or Counsel

John Gruber  
(Legibly print or stamp name (R.5.1))



Clerk's Stamp:

COURT FILE NUMBER 1101-16997  
 COURT COURT OF QUEEN'S BENCH OF ALBERTA  
 JUDICIAL CENTRE CALGARY  
 APPELLANT WESTRIDGE UTILITIES INC.  
 RESPONDENTS DIRECTOR, SOUTHERN REGION,  
 ENVIRONMENTAL MANAGEMENT, ALBERTA  
 ENVIRONMENT AND WATER,  
 ROCKY VIEW COUNTY, and  
 THE ENVIRONMENTAL APPEALS BOARD

DOCUMENT JUDGMENT

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT

**BROWNLEE LLP**  
2000 Watermark Tower  
530 - 8th Avenue SW  
Calgary, AB T2P 3S8

**Attention: Dennis K. Yasui, Q.C.**  
Solicitors for the Respondent  
Rocky View County

Telephone: (403) 232-8300  
Fax: (403) 232-8408  
E-mail: [dyasui@brownleelaw.com](mailto:dyasui@brownleelaw.com)  
File No.: 71211.0587/DKY

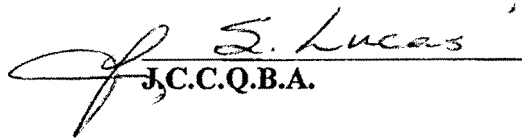
DATE ON WHICH ORDER WAS PRONOUNCED: November 7, 2012  
 NAME OF MASTER WHO MADE THIS ORDER: Justice E. C. Wilson  
 LOCATION OF HEARING: Calgary, Alberta

JUDGMENT

UPON THE ORIGINATING APPLICATION of the Applicant, Westridge Utilities Inc., for judicial review of the decision of the Environmental Appeals Board, having been heard on October 25, 2012; AND UPON hearing submissions from counsel for the Applicant and from counsel for the Respondents, Rocky View County, the Director, Southern Region,

Environmental Management, Alberta Environment and Water, and counsel for the Environmental Appeals Board; AND UPON the Reasons for Judgment of this Honourable Court having been delivered on November 1, 2012; IT IS HEREBY ORDERED AND ADJUDGED THAT:

- 1. The Application to set aside the Decision of the Environmental Appeals Board is dismissed.
- 2. The Respondent, Rocky View County, is awarded costs of this Application as against the Applicant, Westridge Utilities Inc.

  
 \_\_\_\_\_  
 J.C.C.Q.B.A.

CONSENTED TO THIS \_\_\_\_ DAY OF NOVEMBER, 2012:

CONSENTED TO THIS \_\_\_\_ DAY OF NOVEMBER, 2012:

WESTRIDGE UTILITIES INC.  
Per:

ALBERTA JUSTICE –  
ENVIRONMENTAL LAW SECTION  
Per:

\_\_\_\_\_  
**John Gruber**  
*Solicitors for Westridge Utilities Inc.*


\_\_\_\_\_  
**Charlene Graham**  
*Solicitors for the Director, Southern Region,  
 Environmental Management, Alberta Environment  
 and Water*


CONSENTED TO THIS 21 DAY OF NOVEMBER, 2012:

CONSENTED TO THIS 12<sup>th</sup> DAY OF NOVEMBER, 2012:

BROWNLEE LLP  
Per:

SOLICITORS FOR THE  
ENVIRONMENTAL APPEALS BOARD  
Per:

\_\_\_\_\_  
  
**Dennis K. Yasui, Q.C.**  
*Solicitors for Rocky View County*

\_\_\_\_\_  
  
**Andrew C. L. Simms, Q.C.**

Environmental Management, Alberta Environment and Water, and counsel for the Environmental Appeals Board; AND UPON the Reasons for Judgment of this Honourable Court having been delivered on November 1, 2012; IT IS HEREBY ORDERED AND ADJUDGED THAT:

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\_\_\_\_\_  
J.C.C.Q.B.A.

CONSENTED TO THIS \_\_\_\_ DAY OF  
NOVEMBER, 2012:

WESTRIDGE UTILITIES INC.  
Per:

\_\_\_\_\_  
**John Gruber**  
*Solicitors for Westridge Utilities Inc.*

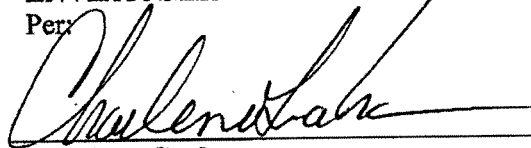
CONSENTED TO THIS \_\_\_\_ DAY OF  
NOVEMBER, 2012:

BROWNLEE LLP  
Per:

\_\_\_\_\_  
**Dennis K. Yasui, Q.C.**  
*Solicitors for Rocky View County*

CONSENTED TO THIS 13 DAY OF  
NOVEMBER, 2012:

ALBERTA JUSTICE –  
ENVIRONMENTAL LAW SECTION  
Per:

  
\_\_\_\_\_  
**Charlene Graham**  
*Solicitors for the Director, Southern Region,  
Environmental Management, Alberta Environment  
and Water*

CONSENTED TO THIS \_\_\_\_ DAY OF  
NOVEMBER, 2012:

SOLICITORS FOR THE  
ENVIRONMENTAL APPEALS BOARD  
Per:

\_\_\_\_\_  
**Andrew C. L. Simms, Q.C.**



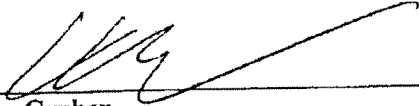
Environmental Management, Alberta Environment and Water, and counsel for the Environmental Appeals Board; AND UPON the Reasons for Judgment of this Honourable Court having been delivered on November 1, 2012; IT IS HEREBY ORDERED AND ADJUDGED THAT:

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\_\_\_\_\_  
J.C.C.Q.B.A.

CONSENTED TO THIS \_\_\_\_ DAY OF  
NOVEMBER, 2012:

WESTRIDGE UTILITIES INC.  
Per:

  
\_\_\_\_\_  
John Gruber  
*Solicitors for Westridge Utilities Inc.*


CONSENTED TO THIS \_\_\_\_ DAY OF  
NOVEMBER, 2012:

ALBERTA JUSTICE –  
ENVIRONMENTAL LAW SECTION  
Per:

\_\_\_\_\_  
Charlene Graham  
*Solicitors for the Director, Southern Region,  
Environmental Management, Alberta Environment  
and Water*

CONSENTED TO THIS \_\_\_\_ DAY OF  
NOVEMBER, 2012:

BROWNLEE LLP  
Per:

  
\_\_\_\_\_  
Dennis K. Yasuj, Q.C.  
*Solicitors for Rocky View County*

CONSENTED TO THIS \_\_\_\_ DAY OF  
NOVEMBER, 2012:

SOLICITORS FOR THE  
ENVIRONMENTAL APPEALS BOARD  
Per:

\_\_\_\_\_  
Andrew C. L. Simms, Q.C.

**Notice to the Respondent:**

A respondent who fails to comply with the requirements of the Alberta Rules of Court and the Court of Appeal Consolidated Practice Directions, within the prescribed time, will not be allowed to present oral argument, nor be entitled to costs, unless otherwise ordered.

Failure to appear at the hearing may also lead to an order or judgment being made against the respondent in their absence.

**Notice To All Parties:**

Parties are required to provide an address for service if it is different than the address set out in this document.

Parties are also required to notify the Registrar of any change of address throughout the proceedings, to ensure that they can be contacted at all times.

An address for service within 30 kilometers of the office of the Registrar must be provided (R.5(1)(b)(i)).

Appeal Number: 1201-0346AC  
Q.B. Number: 1101-16997

**IN THE COURT OF APPEAL OF ALBERTA**

**BETWEEN:**

Westridge Utilities Inc.

**Appellant**

Status on Appeal

**(Applicant)**

(Status at Trial)

**-AND-**

Director, Southern Region, Environmental  
Management, Alberta Environment & Water  
and  
Rockyview County  
and  
Environmental Appeals Board

**Respondent**

Status on Appeal

**(Respondent)**

(Status at Trial)

**Not a Party to  
the Appeal**

(Status at Trial)

**Not a Party to  
the Appeal**

(Status at Trial)

**CIVIL NOTICE OF APPEAL**

**Appellant(s) or counsel for the appellant(s):**  
Westridge Utilities Inc., Attention: John Gruber

Name

Law Firm (if applicable)

80 Stone Pine Way S.W.

Address

Calgary, Alberta

T3Z 3E9

Postal Code

403-542-0705

Telephone Number

403-242-9277

Fax Number