

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – April 30, 2001

IN THE MATTER OF Sections 84, 85, and 87 of the
Environmental Protection and Enhancement Act, S.A. 1992, ch. E-
13.3.

-and-

IN THE MATTER OF an appeal filed on March 12, 2001 by
DVP Purchase Corp. with respect to Administrative Penalty No.
01/01-NES-AP-01/01 issued under the *Environmental Protection
and Enhancement Act* to DVP Purchase Corp., by the Director,
Northern East Slopes Region, Alberta Environment.

Cite as: *DVP Purchase Corp. v. Director, Northern East Slopes Region, Alberta
Environment.*

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BACKGROUND

[1] On February 9, 2001, the Director, Northern East Slopes Region, Alberta Environment (the “Director”), issued Administrative Penalty No. 01/01-NES-AP-01/01 (the “Penalty”), under sections 213(e) of the *Environmental Protection and Enhancement Act* (the “Act”), to DVP Purchase Corp. (the “Appellant”). The Penalty assesses a penalty of \$29,500.00 pertaining to a list of offences ranging from May 10, 1999 to May 1, 2000.

[2] On March 12, 2001, the Environmental Appeal Board (the “Board”) received a Notice of Appeal, from the Appellant, appealing the decision of the Director objecting to the “[I]iability and Quantum respecting every item referred to in the Details of the Notice of Administrative Penalty”.

[3] On March 13, 2001, the Board acknowledged receipt of the Notice of Appeal from the Appellant, and at that time requested a copy of the Records relative to the appeal, from the Director.

[4] According to standard practice, on March 13, 2001, the Board wrote to the Natural Resources Conservation Board (the “NRCB”) and the Alberta Energy and Utilities Board (the “AEUB”) asking whether this matter had been the subject of a hearing or review under their respective legislation. Both the NRCB and EUB replied in the negative.

[5] On March 30, 2001, the Board received a request from the Director to extend the deadline for the provision of documents. The Board in a letter dated April 2, 2001, granted the request.

[6] A letter was received by the Board from the Appellant on April 2, 2001, indicating that they were willing to meet with the Director in order to “...expedite the settlement of issues surrounding the appeal...” or to “use the mediation process as a resolution method, prior to undertaking the Appeal Hearing.”

[7] The Board, in a letter dated April 3, 2001, requested dates for a hearing to be scheduled in May 2001.

[8] On April 9, 2001, the Appellant reiterated their request for a "...formal mediation prior to the hearing of the Appeal." The Director responded to the Appellant's letter on April 10, 2001, indicating that the Director "...does not believe a formal mediation meeting will be helpful in resolving the issues of this appeal."

[9] In a letter dated April 18, 2001, the records were received by the Board and forwarded to the Appellant on April 24, 2001. The Board also requested dates for a hearing for the months of May and June 2001.

[10] On April 27, 2001, a letter was received from the Appellant advising:
"We understand that our client has now paid the Administrative Penalty referred to above. As such, our client hereby withdraws their appeal in respect of this matter."

DECISION

[11] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on the Appellant's letter of April 27, 2001, the Board hereby discontinues its proceedings in Appeal No. 01-036 and will be closing its file.

Dated April 30, 2001, at Edmonton, Alberta.

Dr. William A. Tilleman, Chair