

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Mediation – October 31, 2001

Date of Discontinuance of Proceedings – November 23, 2001

IN THE MATTER OF Sections 84, 85 and 87 of the *Environmental Protection and Enhancement Act*, S.A. 1992, c. E-13.3 and section 115 of the *Water Act*, S.A. 1996, c W-3.5;

-and-

IN THE MATTER OF an appeal filed by Mr. Ove Minsos, Q.C. with respect to *Water Act* Approval No. 00145483-00-00 issued to the Summer Village of Grandview by the Director, Parkland Region, Regional Services, Alberta Environment.

Cite as: *Minsos v. Director, Parkland Region, Regional Services, Alberta Environment*
re: *Summer Village of Grandview*.

EXECUTIVE SUMMARY

On March 30, 2001, the Board received a Notice of Appeal from Mr. Ove Minsos, Q.C. with respect to an Approval issued to the Summer Village of Grandview, authorizing them to carry out shoreline protection works at Pigeon Lake.

A mediation meeting/settlement conference was held at the office of the Environmental Appeal Board on October 31, 2001. The parties to the appeal were to continue discussions and provide the Board with a status report by November 16, 2001.

On November 13, 2001, the Board received a letter from the Mr. Minsos advising that he was withdrawing his appeal. As a result, the Board has closed its file regarding this matter.

Appellant: Mr. Ove Minsos, Q.C.

Director: Ms. Angela Fulton and Mr. Peter Stevens, Alberta Environment, represented by Ms. Charlene Graham, Alberta Justice.

Approval Holder: His Worship Mayor O. S. Hutton and Ms. K. Graber, Town Administrator of the Summer Village of Grandview represented by Ms. Michele Annich, Sharek Reay.

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I. BACKGROUND

[1] On March 14, 2001, *Water Act* Approval No. 00145483-00-00 (the “Approval”) was issued to the Summer Village of Grandview (the “Approval Holder”) by the Director, Parkland Region, Regional Services, Alberta Environment (the “Director”). The Approval authorized the Approval Holder to carry out shoreline protection works at Pigeon Lake adjacent to Lots P, 1, 2 and 3, Block 6, Plan No. 5045KS, and Lot P, Block 4, Plan 4173KS, all in the SE 27-46-01-W5.

[2] On March 29, 2001 the Environmental Appeal Board (the “Board”) received a Notice of Appeal from Mr. Ove Minsos, Q.C. (the “Appellant”) appealing the Approval. On March 30, 2001, the Board acknowledged receipt of the Notice of Appeal, requested the Director provide the documents related to this appeal (the “Record”), and provided the Director and the Approval Holder with a copy of the Notice of Appeal.

[3] According to standard practice, on March 30, 2001, the Board wrote to the Natural Resources Conservation Board and the Alberta Energy and Utilities Board asking whether this matter had been the subject of a hearing or review under their respective legislation. Both the Boards replied in the negative.

[4] On May 18, 2001, the Board received a copy of the Record from the Director. On May 22, 2001, the Board forwarded the Record to the Appellant and the Approval Holder and requested the parties provide available dates for a mediation meeting/settlement conference.

[5] On May 31, 2001, the Board received letters from the Director and the Appellant requesting an abeyance in order to participate in informal discussions. The Board granted the request for abeyance and asked that the parties provide status reports and available dates for a mediation meeting/settlement conference or hearing by June 29, 2001.

[6] On July 5, 2001, the Board received a letter from the Appellant requesting a further abeyance, stating that an engineering report had been ordered that may address the concerns set out in his Notice of Appeal. As no objections were received from the other parties, the extension was granted to September 10, 2001.

[7] On September 6, 2001, the Board received and acknowledged a letter from the Appellant advising that he wished to proceed with the appeal and requesting costs. The parties were asked to provide available dates for a mediation meeting/settlement conference for the month of October. In the same letter, the Board advised the Appellant, with respect to his request for costs, that an application must be filed at the appropriate point in the process as set out in section 19(1) of the Environmental Appeal Board Regulation A.R. 114/93.

[8] On October 9, 2001, the Board set the mediation meeting/settlement conference for October 31, 2001, and requested that the parties provide the Board with the issues as they relate to the appeal to assist the mediator in determining the issues for the purpose of the mediation meeting.

[9] On October 11, 2001, the Approval Holder requested an extension of time to provide the Board with the issues. This request was granted, as no objections were received from the other parties to the appeal.

[10] On November 15, 2001, an advertisement was placed in the *Wetaskiwin Times Advertiser* with respect to the mediation meeting/settlement conference.

II. MEDIATION

[11] Pursuant to section 11 of the Environmental Appeal Board Regulation, the Board conducted a mediation meeting/settlement conference in Edmonton, Alberta, on October 31, 2001, with Dr. John Ogilvie as the presiding Board member.

[12] According to the Board's standard practice, the Board called the mediation meeting to facilitate through settlement conference the resolution of this appeal, or failing that, to structure procedural arrangements for the oral hearing. The Board invited representatives from each party to participate in the mediation meeting/settlement conference.

[13] In conducting the mediation meeting/settlement conference, Dr. Ogilvie circulated copies of the "Participants' Agreement to Mediate", discussed the appeal and mediation process and explained the purpose of the mediation meeting. At the conclusion of his discussion, all parties signed the agreement.

[14] Following detailed discussions at the mediation meeting/settlement conference, the parties agreed to continue discussions and were requested to provide the Board with a status report on November 16, 2001.

[15] On November 13, 2001, the Appellant advised the Board that he was withdrawing his appeal. The letter stated

“Please consider this as notice that I am withdrawing my appeal of the Approval No. 001454800-00 respecting the Summer Village of Grandview’s shoreline preservation program.”

III. DECISION

[16] Pursuant to section 87(7) of the *Environmental Protection and Enhancement Act*, and based on the Appellant’s letter of November 13, 2001, the Board discontinues its proceedings in Appeal No. 01-038 and is closing its file.

Dated on November 23, 2001, at Edmonton, Alberta.

William A Tilleman, Q.C.