

ALBERTA
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – July 12, 2002

IN THE MATTER OF sections 91, 92 and 95 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 and section 115 of the *Water Act*, R.S.A. 2000, c. W-3.

-and-

IN THE MATTER OF a Notice of Appeal filed by Mr. Ron and Ms. Cathy Meston with respect to Licence No. 00152911-00-00, issued on June 10, 2002 under the *Water Act* to Enterprises Lavoie (1999) Inc. for the purpose of diverting 41885 cubic metres of water annually from the unnamed water body (dugout) in E ½ 33-083-20-W5 for the purpose of stock watering, by the Director, Northern Region, Regional Services, Alberta Environment.

Cite as: *Meston v. Director, Northern Region, Regional Services, Alberta Environment re: Enterprises Lavoie (1999) Inc.*

EXECUTIVE SUMMARY

Alberta Environment issued a licence under the *Water Act* to Enterprises Lavoie (1999) Inc. authorizing the diversion of 41885 cubic metres of water annually from the unnamed water body (dugout) in E ½ 33-083-20-W5 for the purpose of stock watering.

The Board received a Notice of Appeal from Mr. Ron and Ms. Cathy Meston, appealing the Licence.

After the Board began processing the appeal, Mr. and Ms. Meston advised that they had accepted an offer for the purchase of their land. The appeal was subsequently withdrawn.

The Board therefore closes its file.

TABLE OF CONTENTS

I. BACKGROUND	1
II. DECISION	2

I. BACKGROUND

[1] On June 10, 2002, the Director, Northern Region, Regional Services, Alberta Environment (the “Director”) issued *Water Act* Licence No. 00152911-00-00 (the “Licence”) to Enterprises Lavoie (1999) Inc. (the “Licence Holder”), authorizing the diversion of 41885 cubic metres of water annually from the unnamed water body (dugout) in E ½ 33-083-20-W5, near Peace River, Alberta, for the purpose of stock watering.

[2] On June 14, 2002, the Environmental Appeal Board (the “Board”) received a Notice of Appeal, dated June 13, 2002, from Mr. Ron and Ms. Cathy Meston (the “Appellants”), appealing the Licence.

[3] On June 14, 2002, the Board acknowledged the Notice of Appeal, notified the Licence Holder and the Director of the appeal and requested the Director provide the Board with a copy of the records relating to the Licence (the “Record”). The Board also requested the Appellants, the Approval Holder and the Director (the “Parties”) provide their available dates for a mediation meeting and settlement conference or hearing to the Board by June 28, 2002.

[4] According to standard practice, 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 Boards responded in the negative.

[5] On July 2, 2002, the Board received a letter dated June 28, 2002 from the Appellants stating:

“...we would like to inform the Board that an offer to purchase our land (SW 28-83-20 W5) was made and has been accepted by myself and Mrs. Meston...As we will no longer be adjacent landowners to Enterprises Lavoie, the pursuit of our appeal is compromised. We leave this matter in the hands of the appeal board”.

[6] On July 2, 2002, the Board responded to the Appellants’ June 28, 2002 letter stating:

“In your letter you state, ‘As we will no longer be adjacent landowners to Enterprises Lavoie, the pursuit of our appeal is compromised. We leave this matter in the hands of the appeal board.’ The Board interprets this statement to

mean that you do not intend to pursue your appeal and that you are therefore withdrawing your appeal. If this interpretation is incorrect, please notify the Board by **noon Tuesday, July 9, 2002**, otherwise the Board will discontinue its proceedings and close its file.”

[7] The Board did not receive a response from the Appellants to its July 2, 2002, letter, and on July 11, 2002, the Board wrote to the Appellants stating:

“...the Board has not received a response from you, which was due by ‘**noon Tuesday, July 9, 2002.**’ The Board is therefore of the understanding that you do not intend to pursue your appeal and are withdrawing your appeal. In this regard the Board will issue a Discontinuance of Proceedings shortly and is closing its file in this matter.”

II. DECISION

[8] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based on the Appellants’ letter of June 28, 2002, as well as no response from the Appellants to the Board’s letter of July 2, 2002, the Board hereby discontinues its proceedings in Appeal No. 02-017 and closes its file.

Dated on July 12, 2002, at Edmonton, Alberta.

“original signed by”

William A. Tilleman, Q.C.
Chair