

ALBERTA PUBLIC LANDS APPEAL BOARD

Decision

Date of Decision – November 19, 2018

IN THE MATTER OF sections 121 and 124 of the *Public Lands Act*, R.S.A. 2000, c. P-40, and sections 211, 213, 228, and 235 of the *Public Lands Administration Regulation*, Alta. Reg. 187/2011;

-and-

IN THE MATTER OF appeals filed by Gerald Gionet, Gionet Holdings Corporation, Aqua Industrial Ltd., and GEO Worldwide Ltd. with respect to the decisions by the Director, Lower Athabasca Region, Alberta Environment and Parks, to issue under the *Public Lands Act* Administrative Penalty Nos. PLA-17/01-AP-LAR-17/01, PLA-17/02-AP-LAR-17/02, and PLA-17/03-AP-LAR-17/03.

Erratum for: *Gionet et al. v. Director, Lower Athabasca Region, Alberta Environment and Parks* (4 September 2018), Appeal Nos. 17-0014-0016-D (A.P.L.A.B.).

Cite as: Erratum: *Gionet et al. v. Director, Lower Athabasca Region, Alberta Environment and Parks* (19 November 2018), Appeal Nos. 17-0014-0016-E (A.P.L.A.B.).

I. REMOVE

[40] The Board also does not believe Mr. Gionet's actions once he reviewed the documents on September 11, 2017, were reasonable. While it was appropriate for Mr. Gionet to email the documents to his legal counsel, it was not reasonable that he did follow up with his legal counsel in a timely manner. Regardless of the amount of the administrative penalty, a reasonable businessperson would have followed up with legal counsel at the next opportunity to ensure the documents were received and to ensure an appeal was going to be filed within the time limit.

II. REPLACE WITH

[40] The Board also does not believe Mr. Gionet's actions once he reviewed the documents on September 11, 2017, were reasonable. While it was appropriate for Mr. Gionet to email the documents to his legal counsel, it was not reasonable that he did not follow up with his legal counsel in a timely manner. Regardless of the amount of the administrative penalty, a reasonable businessperson would have followed up with legal counsel at the next opportunity to ensure the documents were received and to ensure an appeal was going to be filed within the time limit.