

18-0014

2019 APLAB 10

Appellant – Kath Rothwell, **Operator** – Scenic Sands Community Association, **Location** – Buffalo Lake in the County of Stettler, **Type of Appeal** – Discontinuance

A Notice of Appeal and request for a stay were received from Ms. Kath Rothwell on September 28, 2018 with respect to the August 30, 2018 decision of the Director, Alberta Environment and Parks (AEP), to issue Temporary Field Authorization (TFA) No. TFA 184940, related to DLO 031035, to Scenic Sands Community Association (SSCA) for the bed and shore modification/development located at NW-14-040-21-W4M. The TFA was issued to the SSCA for widening and repairing walking trails, and the installation of a gate at the entrance to the Right of Way (ROW). The Scenic Sands subdivision is located on the shores of Buffalo Lake in the County of Stettler. The SSCA represents some of the lot owners in the subdivision.

Ms. Rothwell appealed AEP's decision and applied for a stay of the TFA until the Board heard her appeal. Ms. Rothwell said she was directly affected by the TFA and alleged the TFA had not expired and further work could damage environmentally sensitive shoreline habitat and impact her privacy and property values. The SSCA opposed the stay application, stating Ms. Rothwell was not directly and adversely affected by the issuance of the TFA, and the work authorized under the TFA had already been completed. AEP took no position regarding the stay.

After reviewing the written submissions of the participants, the Board determined Ms. Rothwell was directly and adversely affected by the issuance of the TFA. The Board determined the matter was not moot as the TFA does not expire until August 29, 2019, and further work could be done on the ROW. The Board also found Ms. Rothwell met the test for a stay and, therefore, the Board granted a stay of the TFA.

Cite: *Stay Decision: Rothwell v. Director, Operations Division, Red Deer-North Saskatchewan Region, Alberta Environment and Parks, re: Scenic Sands Community Association* (15 February 2019), Appeal No. 18-0014-D (A.P.L.A.B.).

In consultation with the participants, a mediation meeting was held on May 30, 2019.

In its letter of June 3, 2019, the Board advised that as a result of the resolution reached at the mediation meeting, the appeal of Ms. Rothwell was withdrawn and the stay of the TFA was lifted. Based upon the withdrawal of the appeal by the Appellant, and the Board's satisfaction that all issues related to the appeal had been resolved, the Board discontinued its proceedings and closed its file in this matter.

Cite: *Rothwell v. Alberta Environment and Parks, re: Scenic Sands Community Association* (3 June 2019), Appeal No. 18-0014 (A.P.L.A.B.), 2019 APLAB 10