

20-0006-0010

2021 ABPLAB 7

Appellants – Walter Badry Jr., Jim Wasuita, Jason Badry, Dakota Kirk, John Kozma, Justyn Badry, Llana Lefebvre, Donnie Badry, Scott Badry and Donna Lefebvre, **Operators** – Walter Badry Jr., Jim Wasuita, Jason Badry, Dakota Kirk, John Kozma, Justyn Badry, Llana Lefebvre, Donnie Badry, Scott Badry and Donna Lefebvre, **Location** – Smoky Lake County, **Type of Appeal** – Discontinuance

Notices of Appeal were received on August 6, and 7, 2020, as follows:

- Mr. Walter Badry Jr. and Mr. Jim Wasuita appealed the refusal of their application for Surface Material Lease SML 140090 (PLAB 20-0006);
- Mr. Jason Badry and Mr. Dakota Kirk appealed the refusal of their application for SML 140091 (PLAB 20-0007);
- Mr. John Kozma and Mr. Justyn Badry appealed the refusal of their application for SML 140092 (PLAB 20-0008);
- Ms. Llana Lefebvre and Mr. Donnie Badry appealed the refusal of their application for SML 120101 (PLAB 20-0009); and
- Mr. Scott Badry and Ms. Donna Lefebvre appealed the refusal of their application for SML 150053 (PLAB 20-0010) (collectively, the “Appellants”).

All of the appeals are with respect to the deemed refusal of the Appellants’ applications for Surface Material Leases.

The Board acknowledged receipt of the Notices of Appeals on August 10, 2020 and requested the Director, Alberta Environment and Parks, provide the Department’s Record related to the appeals. On August 20, 2020, the Director requested the Board dismiss the appeals as the Director had not made appealable decisions and the appeals had not been deemed rejected under section 15(1) of the Public Lands Administration Regulation.

The Board requested the Appellants and the Director (collectively, the “Parties”) provide written submissions for the Board to determine whether the appeals should be dismissed. The Parties provided the submissions between September 14, 2020 and October 5, 2020. The Board decided there was an appealable issue and denied the Director’s motion to dismiss the appeals. The Board decided it had jurisdiction to hear the appeals.

Cite: *Badry et al. v. Director, Public Lands Disposition Management, Lands Division, Lands Policy and Disposition Management, Alberta Environment and Parks* (20 November 2020), Appeal Nos. 20-0006-0010-DL1 (A.P.L.A.B.), 2020 ABPLAB 22

On December 8, 2020 the Board wrote to the Parties acknowledging an email dated November 27, 2020, where the Appellants referenced a November 23, 2020 letter to the Department cancelling applications for SMLs 140090, 140091 and 150053. The Board asked the Appellants to confirm they were withdrawing their Notices of Appeal in PLAB 20-0006, 20-0007 and 20-0010. The Appellants confirmed on January 5, 2021 they were withdrawing appeals PLAB 20-0006, 20-0007 and 20-0010.

On May 13, 2021, the Board acknowledged an email dated May 10, 2021 from the Appellants withdrawing the remaining two appeals, PLAB 20-0008 and 20-0009.

Based upon the withdrawal of the appeals and the Board's satisfaction that all issues related to the appeals had been resolved, the Board discontinued its proceedings and closed its files on May 13, 2021.

Cite: *Badry et al. v. Director, Public Lands Disposition Management, Lands Division, Lands Policy and Disposition Management, Alberta Environment and Parks* (13 May 2021), Appeal Nos. 20-0006-0010 (A.P.L.A.B.), 2021 ABPLAB 7