

ALBERTA PUBLIC LANDS APPEAL BOARD

2022 ABPLAB 7

Appeal No. 22-0002

Cite: *Conklin Aggregates Ltd. v. Director, Lands Division, Alberta Environment and Parks* (4 July 2022), Appeal No. 22-0002 (A.P.L.A.B.), 2022 ABPLAB 7.

Appellants – Conklin Aggregates Ltd., **Operator** – Conklin Aggregates Ltd., **Location** – approximately 100 kilometres north of Fort McMurray in the Regional Municipality of Wood Buffalo, **Type of Appeal** – Discontinuance July 4, 2022

A Notice of Appeal was received on April 5, 2022 from Conklin Aggregates Ltd. with respect to the December 21, 2021 decision of the Director, Lands Division, Alberta Environment and Parks (Director), to refuse an amendment application for SML150020 located at NE-10-100-9-W4M and SE-15-100-9-W4M.

In the supporting documents accompanying the Notice of Appeal, the Appellant provided an email dated April 4, 2022 between the Appellant's agent and the Director, wherein it was stated that there were "errors on the address of the companies" and because of the errors, the Appellant's agent had just become aware of the rejection.

In its letter of April 7, 2022, the Board noted the Notice of Appeal was filed outside the timeframes prescribed in section 217(1) of the *Public Lands Administration Regulation* (PLAR). However, section 217(2) permits the Appeals Coordinator to extend the time for filing the Notice of Appeals if it is not contrary to the public interest to do so. The granting of the extension of time to file a Notice of Appeals is at the discretion of the Appeals Coordinator and is not routinely granted.

Further, in the same letter, the Board informed the Director of the appeal and requested a limited record relating to how the Director's December 21, 2021 letter was provided to the Appellant and advising that the "Appellant will be given an opportunity to provide the Board with a further explanation for the timing of filing his Notice of Appeal, and whether an extension would be contrary to the interest of the public. If the Board determines sufficient information has been presented for the Board to consider extending the appeal period for the Appellant, it will give the Director an opportunity to provide comments, followed by a final opportunity for the Appellant to provide a response before the Board makes its decision".

The Board received the limited record and correspondence of the Director on April 19, 2022 stating "The Director concedes that due to the addressing error Conklin's Notice of Appeal should not be rejected based on the timelines in PLAR s. 217(1)." On April 25, 2022, the Board advised the Appellant and the Director that the Notice of Appeal was accepted.

On July 4, 2022 the Board acknowledged receipt of an email dated June 29, 2022 from the Appellant withdrawing Appeal No. PLAB 22-0002. Based upon the withdrawal of the appeal and the Board's satisfaction that all issues related to the appeal had been resolved, the Board discontinued its proceedings and closed its file on July 4, 2022.