

**ALBERTA  
PUBLIC LANDS APPEAL BOARD**

**Decision  
Notice of Discontinuance**

**June 26, 2014**

**IN THE MATTER OF**

sections 5(1) and 16(1)(b) of the *Public Lands Act*, Chapter P-40, R.S.A. 2000  
and sections 9, 10(5), 10(6), 15, 211, and 216 of the  
Public Lands Administration Regulation, A.R. 187/2011;

**AND IN THE MATTER OF** an appeal by JH Drilling Inc., and  
filed with the Public Lands Appeal Board as PLAB 14-0004.

Cite as: *JH Drilling Inc. v. Alberta (Environment and Sustainable Resource Development)* 2014  
APLAB 14-0004

## **Facts**

An appeal from the Appellant, JH Drilling, was received by the Public Lands Appeal Board by email dated March 24, 2014. The Board was unable to accept the Notice of Appeal as it did not meet the requirements of section 216 (1) of the Public Lands Administration Regulation ("PLAR"). The Board granted the Appellant a five day extension to properly fill out and serve the Notice of Appeal on the Board. The Appellant provided a new Notice of Appeal to the Board on March 25, 2014, which the Board accepted.

The Appellant appealed the decision in a letter dated March 10, 2014, from Mr. Jeff Watson, Manager, Lands Dispositions and Approvals Section, in which the Appellant's Surface Material Exploration Application (SME 120258) was refused by the Department based on the merits of the information provided.

A Board-sponsored mediation was held May 21, 2014, where the parties were able to reach an agreement. The resolution agreement included the withdrawal of the appeal upon the signature of the Appellant to the agreement. The Director and the Appellant signed the resolution agreement at the mediation.

On May 22, 2014, the Appellant inquired as to whether the Confidentiality Agreement signed during the mediation applied to the resolution agreement. When the Board informed the Appellant that the resolution agreement was confidential the Appellant advised that they would withdraw from the resolution agreement if it was confidential. The Board invited the Appellant and the counsel for the Director to make submissions on the issue.

After reviewing the submissions and considering relevant case law the Board determined that the resolution agreement was confidential except to the extent needed for implementation of the agreement. The Board also determined that the resolution agreement was binding upon the parties.

## **Rationale for Discontinuance**

As the appeal was resolved in mediation and a resolution agreement signed by the parties which withdrew the Notice of Appeal, the Public Lands Appeal Board discontinues its proceedings and closes its files for PLAB 14-0004.