

ALBERTA
PUBLIC LANDS APPEAL BOARD

Discontinuance of Proceeding

February 10, 2016

IN THE MATTER OF section 123(8) of the *Public Lands Act* and 211, and
216 of the Public Lands Administration Regulation, A.R. 187/2011

-and-

IN THE MATTER OF an appeal by
Elisha Kalinski

Cite as: *Elisha Kalinski v. Alberta (Environment and Parks) 2016 ABPLAB 7*

Facts

The Appellant, Elisha Kalinski, is a producer and supplier of aggregate in Alberta. On November 4, 2015, the Appellant filed a Notice of Appeal with the Public Lands Appeal Board appealing the decision made by the Director, Alberta Environment and Parks, to deny the Appellant's application for SML 110061. The Appellant alleged that the Director erred in the determination of a material fact, erred in law, and exceeded the Director's or Officer's jurisdiction or legal authority.

The Director alleged that the reason for the denial of the SML application was that the Appellant was affiliated with two other entities and therefore did not comply with the Alberta Aggregate (Sand and Gravel) Allocation Policy for Commercial Use on Public Land.

The Board arranged a mediation between the parties which was held January 29, 2016. The Parties were able to reach an agreement in mediation and the Appellant signed a written agreement withdrawing its Notice of Appeal.

Rationale for Discontinuance

As the Appellant has withdrawn the Notice of Appeal, and as the Board is satisfied that all issues related to the appeal have been resolved in accordance with section 123(8) of the *Public Lands Act*, the Public Lands Appeal Board discontinues its proceedings and closes its files for PLAB 15-0037.