

ALBERTA PUBLIC LANDS APPEAL BOARD

2023 ABPLAB 14

Appeal No. 22-0020

Cite: *Robert Rettie, Aqua Properties Ltd. v. Director, Environment and Protected Areas* (12 September 2023), Appeal No. 22-0020 (A.P.L.A.B.), 2023 ABPLAB 14

Appellant – Robert Rettie, Aqua Properties Ltd., **Operator** – Robert Rettie, Aqua Properties Ltd., **Location** – Little Bow River, **Type of Appeal** – Discontinuance September 12, 2023

A Notice of Appeal was filed on March 3, 2023 by Mr. Robert Rettie, Aqua Properties Ltd., with respect to the February 14, 2023, decision of the Director, Environment and Protected Areas, to refuse an application by Aqua Properties Ltd. for a Temporary Field Authorization (TFA) for an unauthorized dock on public lands located at the Travers Reservoir on the Little Bow River at W½-02-015-22-W4.

In consultation with the Appellant and the Director, the Board held a mediation meeting on June 28, 2023, however the appeal was not resolved. The Appellant advised on July 19, 2023 they wished to proceed to an oral hearing.

On July 20, 2023, the Director requested the Board address their motion to dismiss the appeal. The Director stated the Appellant, through filing an appeal and alleging its Temporary Field Authorization application was rejected, is attempting to use the Board's process to avoid compliance with the Order to Vacate and circumvent the appropriate review process for that Order.

The Board does not have the jurisdiction to hear an appeal regarding an Order to Vacate. The Director provided their fulsome motion on August 22, 2023 and on August 28, 2023, the Board set a schedule to receive submissions in order for the Board to make a decision on the Director's motion.

In an email dated September 11, 2023, the Appellant withdrew their appeal.

Based upon the withdrawal of the appeal, the Board discontinued its proceedings and closed its file on September 12, 2023.