

**15-031 and 032****2016 AEAB 8**

**Appellants** – John Sandeman and Ian Sandeman, **Operator** – Ian Sandeman, **Location** – Municipal District of Pincher Creek, near Cowley

A Notice of Appeal was received from Ian Sandeman and John Sandeman on November 18, 2015, with respect to the November 12, 2015 decision of the Director, Alberta Environment and Parks (AEP), to issue *Water Act* Enforcement Order No. WA-EO-2015/06-SSR to Ian Sandeman for allegedly constructing a berm and conducting unauthorized works near SE-21-008-01-W5M in the Municipal District of Pincher Creek, near Cowley.

On November 24, 2016, the Board received a letter from AEP stating Mr. John Sandeman is not entitled to file an appeal as he is not named on the Enforcement Order. The Board reviewed the file and on November 27, 2016, responded to the parties advising AEP was correct, that pursuant to section 115(1)(p) of the *Water Act*, Mr. John Sandeman cannot file an appeal since the Enforcement Order was not issued to him. The Board advised it intended to close the appeal of Mr. John Sandeman, that he could apply to the Board for intervenor status, and he could appear as a witness for Mr. Ian Sandeman at the hearing. The Board asked Mr. Sandeman if he had concerns with the proposed course of action, and as no concerns were received, Mr. John Sandeman's file (EAB 15-032) was closed.

The Board proceeded to process the appeal of Mr. Ian Sandeman and a hearing was scheduled for February 4, 2016 in Lethbridge. The Board published a Notice of Hearing providing an opportunity for persons who wanted to make a representation to the Board to apply to intervene by January 7, 2016. The Board received an application to intervene from Dr. Allan Garbutt. After receiving comments from the parties, the Board issued a decision stating that Mr. Garbutt would be permitted to intervene.

Cite as: *Intervenor Decision: Sandeman v. Director, South Saskatchewan Region, Alberta Environment and Parks* (04 May 2016), Appeal No. 15-031-ID1 (A.E.A.B.).

On January 29, 2016 the Board received an adjournment request from the Appellant advising he was working with AEP to comply with the Order. The Board granted the request and the February 4, 2016 hearing was re-scheduled to May 18, 2016. The parties were asked to provide regular status reports to the Board regarding their discussions. AEP provided an update on April 22, 2016 advising the Mr. Ian Sandeman had complied with the Enforcement Order. On May 2, 2016 the Board received a letter from the Appellant advising he was withdrawing his appeal, and the Board therefore closed its file for Mr. Ian Sandeman (EAB 15-031).