

16-049-051

2020 ABEAB 5

Appellants – Aurora Heights Management Ltd., Garry Will and Ronald Henschel, **Operators** – Aurora Heights Management Ltd., Garry Will and Ronald Henschel, **Location** – Blackfalds, **Type of Appeal** – Discontinuance

A Notice of Appeal and request for a stay were received from Aurora Heights Management Ltd., Garry Will and Ronald Henschel, on December 17, 2016 with respect to the December 16, 2016 decision of Alberta Environment and Parks (AEP) to issue *Water Act* Enforcement Order No. WA-EO-2016/03-RDNSR to Aurora Heights Management Ltd., Mr. Ronald Henschel and Mr. Garry Will, for infilling a wetland without an approval at SE-34-39-27-W4M and SW-35-39-27-W4M, in the Town of Blackfalds (EAB 16-049-051). A temporary stay was granted by the Board on January 30, 2017.

On December 2, 2016 the Board received a Notice of Appeal from Aurora Heights Management Ltd., in relation to AEP's failure to process an application, dated July 15, 2014, for a *Water Act* Approval for wetland restoration/compensation in relation to lands located at SE 34-39-27-W4M and SW 35-39-27-W4M in the Town of Blackfalds (EAB 16-045).

The Board scheduled a preliminary motions hearing for December 5, 2017 to hear arguments from the parties on whether the Board should maintain the stay of the Order, document production request as it relates to the Order, the Town of Blackfalds' intervenor application, and whether the appeal of the Order and the application appeal should be consolidated. The Board issued a decision: denying the continuation of the stay; stating a document request could be made to the Director or the Board should the documents not be found in the Director's records; stating the Board would make a decision on the Town's involvement after comments have been received and reviewed in the ordinary processing of the appeal; and denying the consolidation of the appeals.

Cite as: Aurora Heights Management Ltd. et al. v. Director, Red Deer-North Saskatchewan Region, Alberta Environment and Parks (23 November 2018), Appeal Nos. 16-049-051-ID1 (A.E.A.B.).

On July 19, 2018 the Board received another Notice of Appeal from Aurora Heights Management Ltd., with respect to the July 13, 2018 decision of AEP, to refuse an application from Aurora Heights for an amendment to *Water Act* Approval No. 00354103-00-00. The Director refused the application because there is no adequate stormwater management system in the northwest portion of the Town of Blackfalds. Further, AEP stated an adequate outlet for the area needs to be finalized by the Town of Blackfalds and approved by AEP prior to any further developments occurring (EAB 18-004).

A further request for a stay related to the Order was received by the Board on January 29, 2019. In its letter of February 15, 2019, the Board determined there is no relevant material difference between Aurora's initial stay application and the current stay application, and denied the stay request.

In consultation with the parties, a mediation meeting was held on March 6, 2019 with respect to the appeals of the Order. Following the mediation meeting, the parties continued to work together until, on January 17, 2020, the appeals of the Order were withdrawn. Based on the withdrawal of the appeals, the Board discontinued its proceedings and closed its file (EAB 16-049-051) in this matter on January 20, 2020.

The appeals relating to the refusal to process an application for an Approval (EAB 16-045) and the refusal to amend an Approval (EAB 18-004) are still being processed.

Cite: Aurora Heights Management Ltd. et al. v. Director, Red Deer-North Saskatchewan Region, Alberta Environment and Parks (20 January 2020), Appeal Nos. 16-049-051 (A.E.A.B.), 2020 ABEAB 5