

ORDER TO VACATE

Pursuant to section 47.1 of the *Public Lands Act*
RSA 2000, c. P-40, as amended

No. OV-2020/11-SR

TO: Jimmy Dean Waterfield
P.O. Box 875 Stn Main
Rocky Mountain House, Alberta T4T 1A6

and

Stacey Alison Mahowich
P.O. Box 875 Stn Main
Rocky Mountain House, Alberta T4T 1A6

[Hereinafter referred to as "the Parties"]

WHEREAS the land described as SW Section 33, Township 42, Range 8, West of the 5th Meridian near Rocky Mountain House, in the Province of Alberta [the "Crown Lands"] are "public lands" within the meaning of section 1(p) of the *Public Lands Act* and are represented in Appendix A of this Order;

WHEREAS section 20 of the *Public Lands Act* states that no person shall enter on and occupy any public land for any purpose unless authorized by Alberta Environment and Parks (AEP);

WHEREAS on July 12, 2020, AEP Conservation Officers observed the Parties occupying the Crown Lands and the Parties informed the Conservation Officers that they are living on the Crown Lands;

WHEREAS AEP has not authorized the Parties to enter and occupy the Crown Lands for any purpose;

WHEREAS section 47 of the *Public Lands Act* provides that a person who occupies public land and is not the holder of a disposition authorizing the person to do so, or is not otherwise authorized to do so under the *Public Lands Act* or the regulations under the Act, is a trespasser;

WHEREAS the Parties are unlawfully occupying the Crown Lands and are trespassers;

WHEREAS section 47.1 of the *Public Lands Act* provides that where a person unlawfully occupies public land, the director may order the person to vacate the public land;

WHEREAS section 62(10) of the *Public Lands Act* provides that the Director may by notice in writing advise a person to remove chattels from public land if that notice is not complied with the chattels may be confiscated and disposed of;

WHEREAS Todd Urquhart, Compliance Manager, Southern Region – Red Deer District, Alberta Environment and Parks, has been designated as a director under the *Public Lands Act* for the purposes of issuing orders to vacate (the "Director");

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THEREFORE, I, Todd Urquhart, the Director, pursuant to section 47.1 of the *Public Lands Act*, DO HEREBY ORDER THAT:

1. The Parties shall forthwith vacate the Crown Lands;
2. Prior to vacating, the Parties shall, individually or jointly, immediately remove from the Crown Lands:
 - a) all improvements, structures, personal property and chattels, including but not limited to each of the following:
 - i. all contents of buildings and structures;
 - ii. all hoses and pipes;
 - iii. all outhouses and septic waste infrastructure
 - iv. all generators
 - v. all vehicles
 - vi. all barbeques, stoves and cooking materials;
 - vii. all household items and appliances;
 - viii. all recreational equipment and parts thereof;
 - b) all waste and debris.
3. On or before **October 16, 2020**, the Parties shall, individually or jointly, provide notice to the Director of the completion of the removal required in paragraph 2 above. Verbal notice shall be provided to the Director via telephone at 403-340-5314.

DATED at Red Deer in the Province of Alberta, this 30th day of September, 2020.



Todd Urquhart
Compliance Manager – Regulatory Assurance
Southern Region – Red Deer District

TAKE NOTICE that failure to comply with this Order may without further notice result in any or all of the following:

- further enforcement action, including but not limited to, prosecution under the *Public Lands Act* and/or its regulations;
- the confiscation, forfeiture, demolition, removal, sale or other disposal of any and all chattels, buildings and other improvements on the Crown Lands.

TAKE FURTHER NOTICE that this Order does not in any way prejudice the Director's authority to take further enforcement action under the *Public Lands Act* and/or its regulations.

APPENDIX A

Lands identified as part of SW Sections 33, Township 42, Range 8, West of the 5th Meridian within the Clearwater County, in the Province of Alberta

