



Environment and Sustainable  
Resource Development

**PUBLIC LANDS ACT**

BEING CHAPTER P-40, RSA 2000 ("the Act")

**ENFORCEMENT ORDER NO. PLA-EO-2015/01-PR**

Larry Wayne Bradley  
Box 746  
Spirit River, AB  
T0H 3G0

WHEREAS on September 6, 2013, Fish & Wildlife Officers with the department of Alberta Justice and Solicitor General discovered the presence of various structures and property located on the Crown Lands legally described as NE32-79-9-W6M, (GPS location 55.899301/-119.36799) in the County of Saddle Hills in the Province of Alberta, that appeared to be in use as a hunting camp;

WHEREAS the lands described above are owned by the Crown in Right of the Province of Alberta, and are "public lands" within the meaning of section 1(p) of the *Public Lands Act* (the "Crown Lands");

WHEREAS on September 11, 2013, officers of Environment & Sustainable Resource Development ("ESRD"), being the department with authority over public lands in Alberta, inspected the Crown Lands, and noted the presence of an unoccupied cabin, tents, an outhouse, and various personal effects in the immediate vicinity, including but not limited to the following:

- Cabin
- Tent(s)
- Outhouse
- Light standards and various metallic items
- Material within the above including but not limited to beds, chairs and other household items

(the "Unauthorized Structures and Property")

WHEREAS on September 11, 2013, ESRD posted a Public Notice under the *Public Lands Act* which required that any person with "a Bona Fide interest in the Cabin, Tent and Outhouse" is required to remove the "Cabin, Tent and Outhouse" by November 11, 2013;

WHEREAS on October 11, 2013, Larry Wayne Bradley contacted the ESRD office in Grande Prairie and advised that the Unauthorized Structures and Property belonged to him, and agreed to remove them by the end of 2013;

WHEREAS on November 1, 2013, ESRD sent a letter to Mr. Bradley confirming the telephone conversation of October 11, 2013, advising that he was in contravention of the *Public Lands Act*, sections 20 and 47, for occupying the Crown Lands without any authorization from ESRD, and confirming that all of the Unauthorized Structures and Property must be removed from the Crown Lands no later than December 31, 2013;

WHEREAS at the direct request of Larry Wayne Bradley, ESRD extended this deadline for the removal to January 31, 2014, and subsequently to February 28, 2014;

**WHEREAS** an ESRD flight over the area on March 18, 2014 revealed that the Unauthorized Structures and Property were still located on the Crown Lands;

**WHEREAS** in a phone call to Larry Wayne Bradley by ESRD on April 8, 2014, Larry Wayne Bradley stated that he has no intention of removing the Unauthorized Structures and Property that were still located on the Crown Lands;

**WHEREAS** an inspection on November 25, 2014, revealed that the Unauthorized Structures and Property were still located on the Crown Lands;

### **The Legislation**

**WHEREAS** section 20 of the Act states that no person shall enter on and occupy any public land for any purpose unless authorized;

**WHEREAS** section 56(1)(d) of the Act states that it is an offence to occupy public land if the person is not the holder of a disposition or an authorization under section 20 and is not otherwise authorized to do so under the Act or regulations;

**WHEREAS** section 59.1 of the Act provides that where the Director is of the opinion that a person has contravened a section of the Act or regulations, they may issue an enforcement order to that person;

**WHEREAS** section 59.1(3) of the Act provides that in the enforcement order, the director may require the person to whom the order is directed to carry out any of the measures contained in that section, including but not limited to remedying the effects of the contravention and suspending activities on or the use of the land;

**WHEREAS** section 59.1(6) of the Act provides that costs incurred by the director under this section are recoverable by the Crown as a debt owing to the Crown against the person to whom the enforcement order was directed;

**WHEREAS** section 59.1(7) of the Act provides that the cost referred to in section 59.1(6) of the Act include any costs incurred in investigating and responding to the any matter to which the enforcement order relates, or the failure to comply with the enforcement order.

**WHEREAS** section 59.21(1) of the Act provides that if a person fails or refuses to comply with an order directed to the person under section 59.1, the director may enter on the public land and take any action necessary to carry out the order, and

**WHEREAS** section 59.21(2) of the Act provides that any costs incurred by the director under section 59.21 of the Act are recoverable by the Crown as a debt owing to the Crown against the person to whom the order was directed;

**WHEREAS** under section 1(o.1) of the Act, Larry Wayne Bradley is a person responsible.

**WHEREAS** Lorie Paulovich, Regional Compliance Manager, Peace Region, has been designated as a Director under the *Public Lands Act* for the purposes of issuing enforcement orders (the "Director");

**WHEREAS** the Director is of the opinion that Larry Wayne Bradley has contravened section 20 of the *Public Lands Act* by occupying the Crown Lands without lawful authority by the presence of the Unauthorized Structures and Property, which is an offence under section 56(1)(d) of the Act;

THEREFORE, I, Lorie Paulovich, the Director, pursuant to section 59.1 of the Act, DO HEREBY ORDER THAT Larry Wayne Bradley:

1. Immediately cease utilizing the Unauthorized Structures and Property for any purpose other than as set out in paragraph 2.
2. Remove, no later than February 28, 2015 all of the Unauthorized Structures and Property, including but not limited to:
  - i. any other improvements, chattels and structures constructed or placed on the Crown Lands,
  - ii. any other property belonging to Larry Wayne Bradley, or to any persons associated with him and his unauthorized occupation of the Crown Lands, that are currently located on the Crown Lands, and
  - iii. all waste and debris currently located on the Crown Lands that are associated with the unauthorized use and occupation of the Crown Land by Larry Wayne Bradley and persons associated with him that have occupied or used the Crown Land.
3. Within 15 days of completion of the work required by paragraph 2, Larry Wayne Bradley shall notify the Director of compliance with paragraph 2.

DATED at the City of Grande Prairie in the Province of Alberta, this 2nd day of February 2015.

Original Signed by: Lorie Paulovich  
Regional Compliance Manager  
Peace Region

**Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals from any regulatory agency (provincial or federal) in complying with this order.**

**Take notice that this enforcement order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this Act or any other legislation. Failure to comply with this order may result in further enforcement proceedings.**

**Section 211 of the *Public Lands Administration Regulation* may provide a right of appeal against this decision to the Public Lands Appeal Board. There may be a strict time limit for filing such an appeal. A copy of section 211 is provided below<sup>1</sup>.**

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