

ORDER TO VACATE

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

No. OV-PLA-36959

TO: Charles Richard Nelson
DOB: 1977-06-12
PO Box 2245
Station Main
Hinton, AB
T7V 1Y2

WHEREAS the land described as the South Half of Section 7, Township 53, Range 22, West of the 5th Meridian ("S1/2-7-53-22-W5M") near the Town of Hinton, in the Province of Alberta, are "public lands" within the meaning of section 1(p) of the *Public Lands Act*;

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 AEP has never authorized Charles Richard Nelson to enter on and occupy the Lands for any purpose;

WHEREAS on July 23, 2020, the Royal Canadian Mounted Police ("RCMP") received a complaint that an industrial site to North of the Lands located at the lands legally described as the SE-14-53-23-W5M had experienced a break in to their facility at that location and that tools and equipment such as 12 volt batteries, solar panels and copper cables had been stolen;

WHEREAS on July 23, 2020, while the RCMP conducted an investigation into the stolen property, evidence gathered led them to the lands legally described as the SE-20-53-22-W5M which are also are "public lands" within the meaning of section 1(p) of the *Public Lands Act*;

WHEREAS upon entry to the SE-20-53-22-W5M, the RCMP identified and spoke with Charles Richard Nelson who advised the RCMP that he lived in Hinton, Alberta but had been camped out at the SE-20-53-22-W5M over the summer;

WHEREAS August 24, 2020 during a patrol near the SE-20-53-22-W5M, the RCMP identified a stolen vehicle parked near the entrance of the Lands and identified Charles Richard Nelson to still be occupying the Lands;

WHEREAS on September 15, 2020, an RCMP Constable contacted an AEP Environmental Protection Officer ("the EPO") and advised of the occupancy at the SE-20-53-22-W5M;

WHEREAS on September 18, 2020 the AEP EPO accompanied by the RCMP entered the SE-20-53-22-W5M under the authority of Section 69(2) of the *Public Lands Act* and immediately located Charles Richard Nelson who was operating a chainsaw de-limbing cut trees.

WHEREAS the AEP EPO informed Charles Richard Nelson that his occupancy of the SE-20-53-22-W5M was unlawful and he was in contravention of the *Public Lands Act*. The EPO then advised that he immediately:

- Remove all waste and debris from the SE-20-53-22-W5M and dispose of it at an authorized facility;
- Dismantle all the structures that he constructed from trees and to cease and desist the further cutting of trees, construction of the unauthorized structures and causing damage to public land;
- Vacate the SE-20-53-22-W5M forthwith.

WHEREAS on November 18, 2020, due to Charles Richard Nelson's failure to comply with the direction provided to him on September 18, 2020, the AEP EPO and two Alberta Conservation Officers (collectively the "AEP Officers") executed the confiscation, forfeiture, demolition, removal and disposal of any and all chattels, buildings and other improvements on the SE-20-53-22-W5M in accordance with Section 47(2) of the *Public Lands Act* signed by the designated Director of the *Public Lands Act*;

WHEREAS on December 8, 2020, the RCMP contacted the AEP Officers advising that they had received a complaint and photographs from an industrial operator that a camp was set up at the SW-7-53-22-W5M and are also "public lands" within the meaning of section 1(p) of the *Public Lands Act*;

WHEREAS on December 11, 2020, the AEP Officers, the RCMP and the CN Police entered the SW-7-53-22-W5M under the authority of Section 69(2) of the *Public Lands Act* and observed the following:

- The same materials that were used to construct the unlawful structures on the SE-20-53-22-W5M were being used for the same unlawful construction on the SW-7-53-22-W5M;
- A Cables was strung across trees with chains attached;
- Trees were cut and de-limbed;
- Charles Richard Nelson was not present on the SW-7-53-22-W5M at the time of the site investigation.

WHEREAS on December 11, 2020, when the AEP Officers, the RCMP and the CN Police were leaving the SW-7-53-22-W5M headed eastbound on township road 531, the AEP Officers identified Charles Richard Nelson's vehicle at a private residence located at the lands legally described as LSD 3-SW-8-53-22-W5M;

WHEREAS on December 11, 2020, the AEP Officers spoke to Charles Richard Nelson at the private residence located at LSD-3-SW-8-53-22-W5M who advised that the items discovered by the AEP Officers at the SW-7-53-22-W5M were his and that he had taken up residence at that location;

WHEREAS on December 11, 2020, Charles Richard Nelson was served and Order to Vacate (No. OV-2020/17-NR) made pursuant to Section 47.1 of the *Public Lands Act* signed by the Director-Jack McNaughton compelling Charles Richard Nelson to vacate the SW-7-53-22-W5M forthwith, dismantle and remove all improvements, structures, personal property, refuse and wastes on or under the SW-7-53-22-W5M;

WHEREAS on September 13, 2021, the RCMP contacted the AEP Officers advising they received a complaint that a male individual was occupying public lands in the vicinity of the S1/2-7-53-22-W5M (herein referred to as "the Lands") using trees to construct a dwelling;

WHEREAS on September 14, 2021, the EPO contacted the complainants who advised of the following:

- A male individual is constructing structures out of trees and accumulating refuse on the Lands;
- He has been there for over a month and the occupancy area is growing in size;
- They understand the male individuals name to be Charles Richard Nelson.

WHEREAS on September 15, 2021, the AEP Officers accompanied by the RCMP entered the Lands under the authority of Section 69(2) of the *Public Lands Act* and observed the following:

- A DWELLING MADE FROM STANDING AND CUT TIMBER AND TARPS
- 10 BATTERIES, MULTIPLE SOLAR PANELES, TOOLS, SAWS, GENERATOR LIGHTS, FUEL, EXTENSION CORDS
- AN EXCAVATION 6' WIDE, 5' DEEP FORTIFIED WITH TIMBER
- CHARLES RICHARD NELSON OCCUPYING THE LANDS AND ADVISED THAT HE HAS BEEN ON THE LANDS FOR APPROX. 3 WEEKS

WHEREAS Charles Richard Nelson is unlawfully and wilfully occupying the Lands and is a Trespasser;

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 Glenora Coles, Acting Compliance Manager, Boreal Northwest Region, 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");

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

1. Charles Richard Nelson shall immediately vacate the Lands.

DATED at the City of Grande Prairie, in the Province of Alberta, this 15th day of September 15, 2021.



Glenora Coles
Acting/Compliance Manager
Boreal Northwest Region

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

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